

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 13 NUMBER 187

Washington, Friday, September 24, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1948 CCC Soybean Bulletin 1]

PART 257—SOYBEAN LOANS AND PURCHASES

SUBPART 1948

This bulletin states the requirements with respect to the 1948 Soybean Loan and Purchase Agreement Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). Loans and purchase agreements will be made available in accordance with this bulletin on eligible soybeans produced in 1948.

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- 257.201 Administration.
 - 257.202 Availability of loans and purchase agreements.
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AUTHORITY: §§ 257.201 to 257.225 issued under sec. 4 (a), 55 Stat. 498, as amended, sec. 5 (a), Pub. Law 806 80th Cong.; sec. 1 (b), Pub. Law 897 80th Cong.; 15 U. S. C. 713 a—8 (a).

§ 257.201 *Administration.* The program will be administered in the field by PMA through State PMA committees, county agricultural conservation com-

mittees (hereinafter referred to as county committees) and PMA Commodity offices. The program will be under the general supervision and direction of the Manager of CCC. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the soybeans, the amount of the loan or purchase, and the value of the soybeans delivered under the program. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve forms on behalf of the committee.

The county committee will furnish the borrower with the names of local lending agencies approved for making disbursement on loan documents or with the address of the PMA Commodity office to which loan documents may be forwarded for disbursement.

§ 257.202 *Availability of loans and purchase agreements—(a) Area.* (1) Loans shall be available on eligible soybeans in eligible storage in any area; except that loans on farm-stored soybeans will not be made in any State if the State PMA Committee determines that, due to insect infestation or damage due to other reasons, farm storage of soybeans is not feasible.

(2) Purchase agreements shall be available on eligible soybeans in all areas.

(b) *Time.* Loans and purchase agreements shall be available through December 31, 1948. Notes and chattel mortgages, note and loan agreements, and purchase agreements, must be signed by the producer and delivered or mailed to the county committee prior to January 1, 1949.

(c) *Source.* Loans shall be made available to producers direct by PMA Commodity offices and by lending agencies under lending agency agreements with CCC. Purchase agreements shall be available through the offices of the county committees.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1947.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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UNITED STATES GOVERNMENT MANUAL

1948 Edition

(Revised through June 30)

Published by the Division of the Federal Register, the National Archives

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§ 257.203 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which the CCC has entered into a Lending Agency Agreement (Form PMA-97) or other form prescribed by the CCC.

§ 257.204 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing the soybeans in 1948, as landowner, landlord, tenant, or sharecropper.

§ 257.205 *Eligible soybeans.* Eligible soybeans shall be soybeans which meet the following requirements:

(a) The soybeans must be produced in the continental United States in 1948 by an eligible producer.

(b) The beneficial interest in the soybeans must be in the producer tendering the soybeans for a loan or purchase

and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(c) The soybeans must grade No. 4 or better with respect to factors other than moisture and have a moisture content not in excess of 14 percent. The soybeans must not grade weevily, musty, sour, heating, hot, or have any commercially objectionable odor, or otherwise be of low quality.

(d) To be eligible for a farm storage loan, soybeans must have been stored in the granary or bin at least 30 days prior to its inspection for measurement, sampling, and sealing unless otherwise approved by the State PMA Committee.

§ 257.206 *Eligible storage.* Eligible storage for soybeans shall meet the following requirements:

(a) Eligible farm storage shall consist of farm bins and granaries which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of the soybeans for a period of two years, permit effective fumigation for the destruction of insects and afford protection against thieves, rodents, other animals, and weather.

(b) Eligible warehouse storage shall consist of (1) public grain warehouse for which a Uniform Grain Storage Agreement (CCC Form H Revised) for the 1948 crop has been executed, or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission. A list of approved warehouses will be furnished State offices and county committees.

§ 257.207 *Approved forms.* The approved forms consist of the loan and purchase documents which, together with the provisions of this bulletin govern the rights and responsibilities of the producer, and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or purchase agreement or in executing any of the loan or purchase documents will render him subject to criminal prosecution. Loan and purchase documents must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of the producer's note on CCC Commodity Form A, secured by a chattel mortgage on CCC Commodity Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of note and loan agreements on CCC Commodity Form B, secured by negotiable warehouse receipts representing the soybeans stored in eligible warehouses. All soybeans pledged as security for a loan on a single CCC Commodity Form B must be stored in the same warehouse.

(c) *Purchase agreements.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase 1) and Purchase Agreement Settlement (Commodity Purchase 4) signed by the producer and approved by

the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Soybeans in eligible warehouse storage must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the soybeans are insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado, or in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) The warehouse receipt, and the soybeans represented thereby, must be free of all liens for warehouse charges prior to July 15, 1948 or the date of the warehouse receipt, whichever is later.

(4) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight or bushels, class, subclass, test weight, and such other information as is required to determine the premiums and discounts specified in § 257.213 and by the Uniform Warehouse Receipts Act.

§ 257.208 *Determination of quantity.* A bushel will be 60 pounds of soybeans free of dockage and foreign material in excess of 2 percent, when determined by weight, or 1.25 cubic feet of soybeans testing 60 pounds per bushel when determined by measurement. A deduction of $\frac{3}{4}$ pound for each sack will be made in determining the net quantity of the soybeans when stored as sacked grain. In determining the quantity of soybeans in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound soybeans:

For soybean testing	Percent
60 pounds or over.....	100
59 pounds or over, but less than 60.....	98
58 pounds or over, but less than 59.....	97
57 pounds or over, but less than 58.....	95
56 pounds or over, but less than 57.....	93
55 pounds or over, but less than 56.....	92
54 pounds or over, but less than 55.....	90
53 pounds or over, but less than 54.....	88
52 pounds or over, but less than 53.....	87
51 pounds or over, but less than 52.....	85
50 pounds or over, but less than 51.....	83
49 pounds or over, but less than 50.....	82

§ 257.209 *Determination of foreign material and dockage.* Dockage and foreign material other than dockage, which, singly or in combination total 2 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material and dockage combined is in excess of 2 percent, the excess shall be deducted from the total weight of soybeans in the determination of the net number of bushels of soybeans. For purposes of this determination, dockage shall be computed in whole percentages. Less than 1.0% actual dockage shall be disregarded, and fractional percentages in excess of 1% shall be rounded to the next lower whole percent-

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age. Foreign material percentages shall be stated in tenths.

§ 257.210 *Liens.* The soybeans must be free and clear of all liens and encumbrances except liens for warehouse charges from July 15, 1948, or the date of the warehouse receipt, whichever is later, or if other liens or encumbrances exist on the soy beans, proper waivers must be obtained.

§ 257.211 *Service fees—(a) Loans.* Where the soybeans under loan are farm stored, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan or \$3.00, whichever is greater; if the quantity of soybeans delivered in satisfaction of the loan exceeds the quantity of soybeans placed under loan, a service fee of 1 cent per bushel shall be charged the producer on the excess quantity delivered. Where the soybeans under loan are warehouse stored, the producer shall pay a service fee of $\frac{1}{2}$ cent per bushel on the number of bushels placed under loan or \$1.50, whichever is greater.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of $\frac{1}{2}$ cent per bushel on the number of bushels specified on Commodity Purchase 1 as the maximum quantity he may deliver, or \$1.50, whichever is greater.

(c) *Service fees not to be refunded.* No refund of service fees will be made.

§ 257.212 *Set-offs.* A producer who is listed on the county debt register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan or purchase to the extent of such indebtedness but not to exceed that portion of the proceeds remaining after amounts due prior lienholders. Indebtedness owing to the CCC shall be given first consideration after claims of prior lienholders.

§ 257.213 *Loan rates and purchase price—(a) Basic loan and purchase rate and specifications.* The basic loan and purchase rate per net bushel of eligible Class I (Yellow) and Class II (Green) soybeans, containing 14% moisture and grading No. 2 or better in accordance with U. S. Grain Standards, stored in eligible storage or delivered under a purchase agreement shall be \$2.18 per bushel.

The basic rate of Class III (Brown), Class IV (Black), and Class V (Mixed) eligible soybeans shall be 20 cents per bushel less than the basic rate for Class I and Class II soybeans.

Mixtures of Classes I and II eligible soybeans which contain 5% (actual) or less of Classes III and IV soybeans and bi-colored soybeans, either singly or in combination, shall take the applicable rate for Classes I and II soybeans. If more than 5% of Classes III and IV and bi-colored soybeans, either singly or in combination, are contained in a mixture of eligible soybeans which otherwise would take the rate from Classes I and II soybeans, the mixture shall take the applicable rate for Classes III, IV, and V soybeans. Mixture of green soybeans in Class I and Yellow soybeans in Class II

shall be disregarded for purposes of determining applicable loan and purchase rates.

(b) *Premiums and discounts.* Premiums and discounts from the basic loan and purchase rate shall be in accordance with the following schedule:

SCHEDULE OF PREMIUMS AND DISCOUNTS FROM BASIC LOAN AND PURCHASE PRICE FOR 1948 CROP SOYBEANS

Test weight ¹ —Discounts		Moisture ² —Premiums	
Pounds	Cents	Percent	Cents
53.0	$\frac{1}{2}$	Below 11.3	6
52.0	1	11.3–11.7 both incl.	5
51.0	$1\frac{1}{2}$	11.8–12.0 both incl.	4
50.0	2	12.3–12.7 both incl.	3
49.0	$2\frac{1}{2}$	12.8–13.2 both incl.	2
		13.3–13.7 both incl.	1
		13.8–14.0 both incl.	0
Not eligible if below 49 pounds.		Not eligible if above 14 percent.	
Splits—Discounts		Damage ³ —Discounts	
Percent	Cents	Percent	Cents
15.1–20.0 both incl.	$\frac{3}{4}$	4.0	$\frac{1}{4}$
20.1–25.0 both incl.	$\frac{1}{2}$	5.0	1
25.1–30.0 both incl.	$\frac{1}{4}$	6.0	$1\frac{1}{4}$
		7.0	2
		8.0	$2\frac{1}{4}$
Not eligible if above 30 percent.		Not eligible if above 8.5 percent.	

¹ Round down to nearest pound (drop fractions)

² Round to nearest $\frac{1}{2}$ percent.

³ Round to nearest whole percentage (drop fractions of 0.5)

§ 257.214 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement on the loan, notwithstanding the printed provisions of the note.

§ 257.215 *Transfer of producer's equity—(a) Loans.* The right of the producer to transfer either his right to redeem the soybeans under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his purchase agreement.

§ 257.216 *Safeguarding of the soybeans.* The producer obtaining a farm storage loan is obligated to maintain the farm storage structures in good repair and to keep the soybeans in good condition.

§ 257.217 *Insurance.* CCC will not require the producer to insure the soybeans placed under farm storage loan; however, if the producer does insure such soybeans, such insurance shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the soybeans involved in the loss.

§ 257.218 *Loss or damage to the soybeans.* The producer is responsible for any loss in quantity or quality of the soybeans placed under farm storage loan except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, and resulting solely from an external cause other than insect infesta-

tion or vermin will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 257.219 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the soybeans by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 257.220 *Maturity and satisfaction—*

(a) *Loans.* Loans mature on demand but not later than April 30, 1949. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged soybeans in accordance with instructions of the county committee. Credit will be given for the total quantity so delivered, provided it was stored in the bin(s) in which the soybeans under loan were stored, at the applicable loan rate, according to grade and/or quality. If the settlement value of the soybeans delivered exceeds the amount due on the loan, the amount of the excess shall be paid to the producer. If the settlement value of the soybeans is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the soybeans may be delivered before the maturity date of the loan upon prior approval by the county committee. In the case of warehouse storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the soybeans in accordance with the provisions of the note and loan agreement and § 257.221.

(b) *Purchase agreement.* The producer who signs a purchase agreement (Commodity Purchase 1) shall not be obligated to deliver any soybeans to CCC. He may deliver any amount up to but not in excess of the number of bushels shown on Commodity Purchase 1. If the producer desires to deliver soybeans to CCC, he shall, within 30 days following April 30, 1949, the maturity date for soybean loans, or such earlier date as demand for payment of soybeans loans may be made, submit warehouse receipts representing eligible soybeans stored in eligible warehouse storage to the county committee for the quantity of such soybeans he elects to sell to CCC. In the case of soybeans stored in other than eligible warehouse storage, he shall notify the county committee of his intention to sell and request delivery instructions. The producer must then complete delivery within a 15-day period immediately following the date the county com-

mittee issues delivery instructions, unless the county committee determines more time is needed for delivery. Soybeans in other than eligible storage will be purchased on delivery at points designated by CCC. When delivery is completed payment shall be made by a sight draft drawn on CCC by the State PMA office on the basis of approved Commodity Purchase 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible soybeans will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and accompanying documents, or, if such soybeans are delivered to a CCC bin site, on the basis of the weight, grade, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and approved by the producer at the time of delivery.

(c) *Track-loaded soybeans.* A load- ing payment of 2 cents per bushel will be made to the producer on soybeans delivered on track at a country point.

§ 257.221 *Removal of the soybeans under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the soybeans and sell them either by separate contract or after pooling them with other lots of soybeans similarly held. The producer has no right of redemption after the soybeans are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled soybeans as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of soybeans even though part or all of such pooled commodity is disposed of at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the soybeans or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 257.222 *Release of the soybeans under loan.* A producer may at any time obtain release of the soybeans remaining under loan by paying to the holder of the note or note and loan agreement the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local bank for collection. In such case, where CCC is the holder of the note, the local bank will be instructed to return the note if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer. Upon repayment of a farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial release of the soybeans prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and

accrued interest, represented by the quantity of the soybeans to be released. In case of warehouse storage loans, each partial release must cover all the soybeans under one warehouse receipt number.

§ 257.223 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit a weekly report to CCC and to the county committees on USDA—PMA CCC Form 500, Repayment Record, or such other form as CCC may prescribe, of all payments received on producer's notes held by them, and are required to remit promptly to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the CCC field office serving the area.

§ 257.224 *Storage allowance—(a) Warehouse storage loans.* Under the loan program CCC will assume accrued warehouse charges on soybeans which are not redeemed.

(b) *Farm storage loans.* A farm storage payment of 7 cents per bushel will be paid to the producer (1) on soybeans delivered to CCC on or after the maturity date, or (2) on soybeans delivered to CCC prior to the maturity date pursuant to demand by CCC for repayment of the loan. If delivery is made prior to April 30, 1949, upon request by the producer and with the approval of CCC, the storage payment will be as follows:

- 6 cents per bushel if delivered in month of April 1949.
- 5 cents per bushel if delivered in month of March 1949.
- 4 cents per bushel if delivered in month of February 1949.
- 3 cents per bushel if delivered in month of January 1949.
- 2 cents per bushel if delivered in month of December 1948.

Earned storage shall be computed after delivery has been completed.

No storage payment will be made on soybeans delivered to CCC prior to April 30, 1949, pursuant to demand by CCC for the repayment of a loan if such demand for repayment was due to any fraudulent representation on the part of the producer or the fact that the soybeans were damaged, threatened with damage, abandoned, or otherwise impaired.

In the case of losses assumed by CCC under the loan program, CCC will pay the producer, with respect to the quantity lost, a storage payment of 7 cents per bushel, less 1 cent per bushel for each full month for the time between the date of the loss and the maturity of the loans.

(c) *Purchase agreements.* CCC will assume accrued warehouse charges on soybeans in eligible warehouse storage, provided that CCC will not assume any

charges in excess of those provided under the Uniform Grain Storage Agreement, CCC Form H, revised, for the 1948 crop; or make a payment of 7 cents per bushel to the producer on soybeans in eligible warehouse storage if it is shown that all warehouse charges other than receiving charges have been paid by the producer up to the time he submits the warehouse receipt to the county committee. A payment of 7 cents per bushel will be made to the producer on soybeans delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

§ 257.225 *PMA Commodity offices.* The PMA Commodity offices and the areas served by them are shown below:

ADDRESS AND AREA

449 West Peachtree Street NE., Atlanta 3, Ga.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Michigan, Ohio.

1114 Commerce Street, Dallas 2, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

417 East Thirteenth Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

328 McKnight Building, Minneapolis 1, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

67 Broad Street, Room 1304, New York 4, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

515 Southwest Tenth Avenue, Portland 5, Oreg.: Idaho, Oregon, Washington.

30 Van Ness Avenue, San Francisco 2, Calif.: Arizona, California, Nevada, Utah.

Issued this 21st day of September 1948.

[SEAL] HAROLD K. HILL,
Acting Manager,
Commodity Credit Corporation.

Approved: September 21, 1948.

FRANK K. WOOLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 48-8600; Filed, Sept. 23, 1948;
8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

PART 987—IRISH POTATOES IN MAINE

It is hereby ordered, That such handling of Irish potatoes grown in the State of Maine as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity shall, from and after the effective time hereof, be in conformity to and compliance with the terms and conditions of this order regulating the handling of Irish potatoes grown in the State of Maine.

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AUTHORITY: §§ 987.0 to 987.17 issued under 48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 248; 61 Stat. 202, 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 987.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 202, 707) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Supps., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159, 4904), a public hearing was held at Presque Isle, Maine, on April 26-29, 1948, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in the State of Maine. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919-July 1929, and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the

maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish, an (iii) by authorizing the establishment and maintenance of such minimum standards of quality, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such Irish potatoes as will be in the public interest.

(b) *Additional findings.* It is necessary, in the public interest, to make the effective date not later than September 1948. Any delay beyond such effective date of this order will seriously jeopardize the possibility of attaining orderly marketing of the 1948 crop of Irish potatoes grown in the State of Maine, the marketing season for which starts in early September. Shipments of such potatoes normally become heavy in October and continue in volume through the following May. It is necessary to make this order effective by the aforesaid date so that the State of Maine Potato Committee, the administrative agency provided for in the order, can be organized and start functioning as soon as possible. In this manner, it will be possible for regulations to be formulated and issued before inception of volume shipments of the 1948 Maine potato crop. Growers and shippers will then be in a position to obtain the benefits of this program during the current marketing season. Compliance with this order will not require any preparation on the part of handlers and adequate notice will be given by the committee so that handlers will have sufficient time to make any necessary preparations for compliance with rules and regulations which may be issued thereafter. The nature and provisions of the order are well known to handlers of Irish potatoes grown in the State of Maine since the public hearing was held in April 1948, and the recommended decision and final decision were published in the FEDERAL REGISTER on August 5, 1948 and August 26, 1948, respectively. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order effective September 27, 1948, and that it would be contrary to the public interest to delay the effective date of the order for 30 days after its publication (See sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that: (1) A marketing agreement regulating the handling of Irish potatoes grown in the State of Maine production area, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the Irish potatoes covered by this order) who handled not less than 50 percent of the volume of such Irish potatoes covered by this order;

(2) This order regulates the handling of such Irish potatoes in the same manner as, and is made applicable only to persons in the respective classes of industrial and commercial activity specified in, the aforesaid marketing agreement;

(3) The issuance of this order is favored or approved (i) by at least two-thirds of the producers who participated in a referendum conducted by the Secretary of Agriculture and who, during the representative period (July 1, 1947-June 30, 1948) determined by the Secretary of Agriculture, were engaged, within the production area specified herein, in the production of Irish potatoes for market, and (ii) by producers, who participated in the aforesaid referendum, who, during the aforesaid representative period, produced for market, within the production area specified in this order, at least two-thirds of the volume of Irish potatoes produced by all producers who participated in the said referendum.

§ 987.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or member of the United States Department of Agriculture, who is, or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.; 61 Stat. 202, 707).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Production area" means all territory included within the boundaries of the State of Maine.

(e) "Potatoes" means all varieties of Irish Potatoes grown within the State of Maine.

(f) "Handler" is synonymous with shipper and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or any other way to ship or place potatoes in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect any such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the administrative committee, called the State of Maine Potato Committee, established pursuant to § 987.2.

(k) "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State of Maine.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

(n) "Wholesale pack" means a unit of fifty pounds net weight or more of potatoes contained in a bag, crate, or any other type of container.

(o) "Consumer pack" means a unit of less than fifty pounds net weight of potatoes contained in a bag, crate, or any other type of container.

(p) "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(1) The United States Standards for Potatoes issued by the Department of Agriculture on September 10, 1941, effective June 1, 1942 (12 F. R. 3651), or amendments thereto, or modifications thereof, or variations based thereon;

(2) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture on November 3, 1947, effective December 8, 1947 (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon;

(3) State of Maine Standards for Potatoes issued by the State of Maine Commissioner of Agriculture on November 26, 1935, or amendments thereto, or modifications thereof, or variations based thereon.

(q) "Export" means shipment of potatoes beyond the boundaries of continental United States.

(r) "District" means each one of the geographical divisions of the production area hereby established as follows:

District No. 1. Township 11, Range 8, Townships 11, 12, 13, and 14, Range 7, Township 14, Range 6, Townships 14, 15, 16, Range 5, Townships 16, 17, Range 4, Township 17, Range 3, the towns of Van Buren, Cyr, Connor, Caswell, Hamlin, and all towns and townships north and west thereof in Aroostook County.

District No. 2. All the towns and townships in Aroostook County not included in Districts No. 1 and 3 hereof;

District No. 3. Mount Chase Plantation, Stacyville Plantation, the town of Patten and Township 2, Range 6, in Penobscot County, and Township 8, Range 5, Township 8, Range 4, Township 8, Range 3, Township C, Range 2, the town of Monticello, and all the towns and townships south thereof in Aroostook County;

District No. 4. All the remaining counties, towns, and townships in the State of Maine not included in Districts 1, 2, and 3 of this section.

§ 987.2 Administrative committee—

(a) *Establishment and membership.* (1) The State of Maine Potato Committee consisting of 8 members, of whom five shall be producers and three shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(2) (i) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district, and such persons shall be residents of the respective district for which selected.

(ii) Persons selected as committee members or alternates to represent handlers shall be individuals who are handlers in the State of Maine, or officers or employees of a corporate handler in

the aforesaid State, and such persons shall be residents of the State of Maine.

(b) *Term of office.* The term of office of committee members and alternates shall be for one year beginning on the first day of July and continuing until the end of the then current fiscal year, and until their successors are selected and have qualified. Committee members and alternates shall serve during the fiscal year for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the fiscal year and continuing until the end thereof, and until their successors are selected and have qualified.

(c) *Selection.* The Secretary shall select two producer members of the committee, with their respective alternates, from district number 2 and one producer member, with his respective alternate, from each of the other districts, as defined in § 987.1 (r), which members and alternates shall represent the respective district from which they are selected. The Secretary shall also select three handler members of the committee, with their respective alternates, from the production area at large.

(d) *Nomination.* The Secretary may select the members of the State of Maine Potato Committee and their respective alternates from nominations which may be made in the following manner:

(1) Nominations for initial members of the committee and their respective alternates may be submitted by producers, handlers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers and by groups of handlers.

(2) In order to provide nominations for succeeding committee members and alternates:

(i) The State of Maine Potato Committee shall hold or cause to be held prior to May 1 of each year, after the effective date hereof, a meeting or meetings of producers in each of the districts designated in § 987.1 (r) and a meeting or meetings of handlers in the production area;

(ii) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(iii) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee;

(iv) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(v) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(vi) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(vii) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast

only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(e) *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (d) (2) of this section, the Secretary may, without regard to nominations, select the committee members and alternates which selection shall be on the basis of the representation provided for herein.

(f) *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(g) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (d) (2) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for herein.

(h) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(i) *Procedure.* (1) Six members of the committee shall be necessary to constitute a quorum and six concurring votes will be required to pass any motion or approve any committee action.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(j) *Expenses and compensation.* Committee members or their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be de-

terminated by the committee, which rate shall not exceed \$10.00 for each day, or portion thereof, spent in attending meetings of the committee.

(k) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms;

(2) To make rules and regulations to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions hereof; and

(4) To recommend to the Secretary amendments hereto.

(l) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(5) To furnish to the Secretary such available information as he may request;

(6) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(7) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(8) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon;

(9) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(10) To consult, cooperate and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives hereunder.

§ 987.3 Expenses and assessments—

(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to perform

its functions hereunder during each fiscal year and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who first ships potatoes shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by the committee for its maintenance and functioning during each fiscal year, and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions hereof. Such handler's pro rata share of such expense shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

(2) If, after reasonable effort by the committee, it is found impossible to return excess funds to handlers, such funds shall, with the approval of the Secretary, be turned over to an appropriate agency serving potato producers in the production area.

(3) The committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

(d) *Funds.* All funds received by the committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(1) The Secretary may at any time require the committee and its members to account for all receipts and disbursements; and

(2) Whenever any person ceases to be a committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appro-

priate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

§ 987.4 Regulation—(a) *Marketing policy.* At the beginning of each fiscal year the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendation for regulations.* (1) It shall be the duty of the committee to investigate supply and demand conditions for grade, size, and quality of potatoes of all varieties. In such investigations, the committee shall give due consideration to the following factors:

(i) Market prices of potatoes, including prices by grade, size and quality in wholesale or in consumer packs, or any other shipping unit;

(ii) Potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets;

(iii) Supply of potatoes, by grade, size and quality, in the State of Maine and other production areas;

(iv) The trend and level of consumer income; and

(v) Other relevant factors.

(2) The committee shall recommend regulation to the Secretary, in accordance herewith, whenever it finds, on the basis of the foregoing investigation, that such conditions make it advisable:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs (or any other shipping unit), for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality.

(c) *Issuance of regulation.* (1) The Secretary shall limit the shipment of potatoes as hereinafter set forth, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(i) To regulate, in any or all portions of the production area, the shipment of particular grades and sizes of any or all varieties of tablestock or seed potatoes, or both, during any period; or

(ii) To regulate the shipment of particular grades and sizes of potatoes differently for different varieties, for different portions of the production area, for consumer or wholesale packs, for tablestock and seed, or any combination of the foregoing, during any period; or

(iii) To regulate the shipment of potatoes by establishing, in terms of grade, sizes, or both, minimum standards of quality.

(2) The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this section, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Each such handler shall make arrangements with the inspecting agency to forward promptly to the committee a copy of such inspection certificate.

(e) *Exemptions.* (1) The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

(2) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (i) That by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of sale.

(3) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (i) that by reason of a regulation issued pursuant to this section he will be prevented from shipping as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings shipped by all handlers in said applicant's immediate shipping area, and (ii) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to ship the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of sale.

(4) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

(5) If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any appli-

cant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(6) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(7) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

§ 987.5 *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes of any grade, size, or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes.

§ 987.6 *Shipments for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to § 987.3 or § 987.4, or both, in order to facilitate shipments of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act; adequate safeguards may be established, pursuant to paragraph (c) of this section, to prevent such shipments from

entering channels of trade for other than the specified purpose:

(1) Shipments of potatoes for the purpose of having such potatoes graded, stored, or loaded;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed or for other specified purposes.

(b) Whenever the shipments of seed potatoes are not subject to the same regulations as shipments of table stock potatoes, issued pursuant to § 987.3 or § 987.4, or both, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 987.4 (d) and pay the pro rata share of expenses provided by § 987.3, in connection with potato shipments effected under the provisions of this section: *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for shipments of potatoes effected or to be effected under the provisions of this section. The committee with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make a weekly report to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any shipper if evidence is obtained that potatoes shipped by him for the purposes stated above have entered the current of interstate or foreign commerce, or have directly burdened, obstructed, or affected such commerce contrary to the provisions hereof.

(d) The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 987.3 and 987.4.

(e) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section,

or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

§ 987.7 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 987.8 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

§ 987.9 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 987.10 *Effective time and termination—(a) Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.*

(1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 987.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 987.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 987.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 987.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 987.15 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 987.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 987.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C. this 20th day of September 1948, to be effective on and after 12:01 a. m., e. s. t., September 27, 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8602; Filed, Sept. 23, 1948; 8:51 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.301 *Regulation No. 1—(a) Findings.* (1) Pursuant to Order No. 59 (7 F. R. 365) regulating the handling of potatoes grown in the Counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Administrative Committee established under said marketing order, and other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1946 ed., 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, (ii) shipments of potatoes from the production area have already begun, (iii) compliance

with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date hereof, and (iv) a reasonable time is permitted, under the circumstances, for preparation for such date.

(b) *Order.* (1) Effective on and after September 27, 1948, and until suspended or modified pursuant to § 959.4 of Order No. 59, no handler shall ship any potatoes unless such potatoes meet the requirements of the U. S. No. 2 grade or better grade, as such grades are defined in the U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(2) As used in this section, the terms "handler", "ship", "area", and "potatoes", shall have the same meaning as when used in said marketing order; and the term "U. S. No. 2 grade" shall have the same meaning as when used in the U. S. Standards for Potatoes (12 F. R. 3651). (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 22d day of September 1948.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 48-8628; Filed, Sept. 23, 1948;
9:02 a. m.]

Chapter XXI—Organization, Functions and Procedures

Subchapter C—Production and Marketing Administration

ESTABLISHMENT AND REVISION OF PARTS

Pursuant to Memorandum No. 1226 of the Secretary of Agriculture, dated August 30, 1948, the organization of Production and Marketing Administration is as outlined below. A statement of the organization, functions and procedures of the branches will be published at a later date.

Part numbers are assigned and Parts 2300 and 2301 of Title 7 issued September 11, 1946 (7 CFR, 1946 Supp., Parts 2300 and 2301, 11 F. R. 177A-258) as amended, are revised as indicated below:

Part	
2300	Production and Marketing Administration.
2301	Office of the Administrator.
2302	Cotton Branch.
2303	Dairy Branch.
2304	Fats and Oils Branch.
2305	Fruit and Vegetable Branch.
2306	Grain Branch.
2307	Livestock Branch.
2308	Poultry Branch.
2309	Price Support and Foreign Supply Branch.
2310	Sugar Branch.
2311	Tobacco Branch.
2320	Audit Branch.
2321	Budget and Management Branch.

Part	
2322	Compliance and Investigation Branch.
2323	Information Branch.
2324	Agricultural Conservation Program Branch.
2325	Fiscal Branch.
2326	Food Distribution Programs Branch.
2328	Marketing Facilities Branch.
2329	Marketing Research Branch.
2330	Shipping and Storage Branch.

PART 2300—PRODUCTION AND MARKETING ADMINISTRATION

SUBPART A—ORGANIZATION

Sec.	
2300.1	Central organization.
2300.2	Branches.
2300.3	Field offices.
2300.4	Availability of information and records.

SUBPART B—FUNCTIONS AND PROCEDURES

2300.11	General functions.
2300.12	Commodity branch responsibilities, symbols and assignments.
2300.13	Functional branch responsibilities.
2300.14	Field offices.
2300.15	Procedures.

AUTHORITY: §§ 2300.1 to 2300.15 issued under R. S. 161; 5 U. S. C. 22; E. O. 9577, June 29, 1945, 10 F. R. 8087; 3 CFR 1945 Supp.

SUBPART A—ORGANIZATION

§ 2300.1 *Central organization.*—(a) *General.* The principal office of the Production and Marketing Administration is at Washington, D. C., in the Administration Building, United States Department of Agriculture.

(b) *Organization.* The Production and Marketing Administration is headed by an Administrator who is also President of Commodity Credit Corporation. Production programs and marketing and distribution programs assigned to the Production and Marketing Administration and functional and staff services relating to these programs are under the direction of and are coordinated by Assistant Administrators. Price support and supply programs and functional and staff services relating to these programs are under the direction of and coordinated by the Administrator. Administrative and other staff services incident to administering the preceding groups of programs are also under the direction of and coordinated by the Administrator. Reporting directly to the Administrator and each Assistant Administrator are one or more branches responsible for conducting the programs under the direction of the Administrator and Assistant Administrators. Commodity, administrative and other staff branches report to the Administrator who is assisted by the Deputy Administrator and the Assistant Administrators in directing and coordinating programs and activities of the branches in their respective program jurisdictions.

§ 2300.2 *Branches.* Responsibility for providing technical guidance and assistance in the formulation and administration of programs, policies and procedures, assigned to the Administration is vested in the following branches in Washington, and descriptions of their organization are set forth in Parts 2302 to 2330 of this chapter.

- (1) Cotton Branch.
- (2) Dairy Branch.
- (3) Fats and Oils Branch.

- (4) Fruit and Vegetable Branch.
- (5) Grain Branch.
- (6) Livestock Branch.
- (7) Poultry Branch.
- (8) Sugar Branch.
- (9) Tobacco Branch.
- (10) Agricultural Conservation Programs Branch.
- (11) Audit Branch.
- (12) Budget and Management Branch.
- (13) Compliance and Investigation Branch.
- (14) Fiscal Branch.
- (15) Food Distribution Programs Branch.
- (16) Information Branch.
- (17) Marketing Facilities Branch.
- (18) Marketing Research Branch.
- (19) Price Support and Foreign Supply Branch.
- (20) Shipping and Storage Branch.

§ 2300.3 *Field offices.*—(a) *State Offices and State Committees.* The State Offices of Production and Marketing Administration are located in each of the 48 states with area representatives for the Insular activities of PMA in Alaska, Hawaii, Puerto Rico and the Virgin Islands. In each state there is a PMA State Committee consisting of from three to five farmer members, who are appointed by the Secretary, pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1149, as amended; 16 U. S. C. 590h). The State Director of the Agriculture Extension Service is ex-officio a member of the State Committee. The addresses of the State and Insular PMA offices are as follows:

Alabama: Alabama Polytechnic Institute, Auburn.
 Arizona: Union Investment Company Building, 415 South First Street, Phoenix.
 Arkansas: P. O. Box 2781, 108½ West Third Street, Little Rock.
 California: P. O. Box 247, 2288 Fulton Street, Berkeley 1.
 Colorado: P. O. Box 579, 225 West Oak Street, Fort Collins.
 Connecticut: 95 Washington Street, Hartford 6.
 Delaware: Courtney and Academy Streets, Newark.
 Florida: Seagle Building, Gainesville.
 Georgia: Old Post Office Building, Athens.
 Idaho: Yates Building, P. O. Box 1539, 103 South Ninth Street, Boise.
 Illinois: Standard Office Building, 124-132 South Water Street, Decatur 12.
 Indiana: Big Four Building, 105 South Meridian Street, Indianapolis 9.
 Iowa: 1101 Walnut Street, Des Moines 7.
 Kansas: Wareham Building, 417-419 Humboldt Street, Manhattan.
 Kentucky: Mill and Maxwell Street, Lexington 29.
 Louisiana: P. O. Box 8597, University Station, Baton Rouge.
 Maine: University of Maine, Orono.
 Maryland: University of Maryland, College Park.
 Massachusetts: University of Massachusetts, Amherst.
 Michigan: Cahill Building, 200 North Capitol Avenue, Lansing 4.
 Minnesota: 210 Main Post Office Building, St. Paul 1.
 Mississippi: Masonic Building, 1130 West Capitol Street, Jackson 11.
 Missouri: I. O. O. F. Building, Tenth and Walnut Streets, Columbia.
 Montana: Armory Building, 24 West Mendenhall Street, Bozeman.
 Nebraska: First Floor, Trust Building, Lincoln 1.
 Nevada: University of Nevada, Reno.
 New Hampshire: 29 Main Street, Durham.
 New Jersey: College Farm, New Brunswick.

New Mexico: State College.
 New York: Byrne Building, 236 West Genesee Street, Syracuse 2.
 North Carolina: State College Station, Raleigh.
 North Dakota: 400 de Lendrecie Building, P. O. Box 2017, Fargo.
 Ohio: 202 Old Federal Building, Columbus 15.
 Oklahoma: Etherton Building, Sixth and Maine Streets, Stillwater.
 Oregon: 515 Southwest Tenth Street, Portland 5.
 Pennsylvania: 928 North Third Street, Harrisburg.
 Rhode Island: 511 Westminster Street, Providence 3.
 South Carolina: P. O. Box 660, 1615 Hampton Street, Columbia 33.
 South Dakota: 56 Third Street SE., Huron.
 Tennessee: 152 Fourth Avenue, North, Nashville 3.
 Texas: AAA Building, College Station.
 Utah: Old Terminal Building, 222 Southwest Temple Street, Salt Lake City 1.
 Vermont: 102 Adams Street, Burlington 14.
 Virginia: 609 East Main Street, Richmond 19.
 Washington: Hutton Building, P. O. Box 1491, Second and Washington Streets, Spokane 8.
 West Virginia: 480 Spruce Street, Morgantown.
 Wisconsin: Oxford Building, 14 East Dayton Street, Madison 3.
 Wyoming: Tip Top Building, P. O. Box 1211, 345 East Second, Casper.
 Alaska: University of Alaska College, Alaska.
 Hawaii: 416 Dillingham Building, Hawaiian Area Office, Honolulu 16, T. H.
 Puerto Rico and Virgin Islands: Caribbean Area Office, PMA, USDA, La Colectiva Building, P. O. Box 4349, San Juan 21, Puerto Rico.

(b) *County Offices and County Committees.* Local administration of production programs and other Production and Marketing Administration programs, requiring direct dealing with farmers, is carried out through the county Agricultural Conservation Association offices. A county committee, elected annually by farmers in accordance with Articles of Association issued by the Secretary, is in charge of the county ACA office. The committee selects a Secretary, who may be the County Agent. If not selected as Secretary, the County Agent is ex-officio a member of the committee without vote. Copies of the Articles of Association may be obtained at any county ACA office. There is a county ACA office and county committee serving each agricultural county in the United States.

Because of their size and number of farms, the following counties are served by two county ACA offices and county committees:

Iowa: Pottawattamie.
 Minnesota: Otter Tail, Polk, St. Louis.

Groups of counties where one county ACA office serves more than one county are as follows:

Georgia: Camden and Charlton.
 Illinois: Alexander and Pulaski, Hardin and Pope, Marshall and Putnam.
 Michigan: Crawford and Otsego, Houghton and Keweenaw, Missaukee and Roscommon.
 Nebraska: Arthur, Logan, and McPherson; Blaine, Grant, Hooker, and Thomas; Brown, Keya Paha, and Rock; Garfield, Loup, and Wheeler.
 South Dakota: Brule and Buffalo, Hughes and Stanley, Jackson and Washabaugh, Ziebach and Armstrong.
 Virginia: Arlington and Fairfax.

Most county ACA offices are located at the county seat; however, the exact address of any office may be obtained from the State PMA office for the State in which the county is located.

(c) *PMA Commodity Offices.* The Commodity Offices of the Production and Marketing Administration have general responsibility for the administration of the field aspects of price support and supply and related programs other than those involving direct dealings with the farmers and assigned to the State and county committees for administration. The locations of these offices are as follows:

Atlanta: 449 West Peachtree Street NE., Atlanta 3, Ga.
 Chicago: 623 South Wabash Avenue, Chicago 5, Ill.
 Dallas: 1114 Commerce Street, Dallas 2, Tex.
 Kansas City: 300 Interstate Building, Kansas City 6, Mo.
 Minneapolis: 328 McKnight Building, Minneapolis 1, Minn.
 New Orleans: Masonic Temple Building, New Orleans 12, La.
 New York: 67 Broad Street, New York 4, N. Y.
 Portland: Tenth and Washington Streets, Portland 5, Ore.
 San Francisco: 30 Van Ness Avenue, San Francisco 2, Calif.

(d) *Branch field offices.* The locations of field offices of each of the following branches which maintain such offices in various locations throughout the continental U. S. A., territorial possessions, and certain foreign countries, are set forth in the description of the organization, functions and procedures of the branches of the Administration (Parts 2302 to 2330 of this chapter). These offices report directly to the appropriate branches.

Audit.	Fruit and Vegetable.
Budget and management.	Grain.
Compliance and Investigation.	Information.
Cotton.	Livestock.
Dairy.	Marketing Facilities.
Fats and Oils.	Poultry.
Food Distribution Program.	Sugar.
	Tobacco.

§ 2300.4 *Availability of information and records.* The places where information regarding the activities of the Administration may be obtained are indicated in the description of the organization of the central office and each branch (Parts 2301 to 2330 of this chapter). The records of the Administration are available for examination in accordance with the rules and the designation of records issued by the Secretary (Part 2100 of this chapter).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2300.11 *General functions.* The Production and Marketing Administration administers the Department of Agriculture's production, marketing and distribution, and price support and supply programs. These include production goals, conservation payments, marketing quotas; marketing service, regulatory and research activities, standards, grades, inspection and market news; school lunch; foreign government needs and supply; domestic price support, loan

and other programs conducted for the Commodity Credit Corporation; export, diversion, new use, marketing agreements and orders, and other distribution programs.

§ 2300.12 *Commodity branch responsibilities, symbols and assignments—(a) Functions.* For commodities assigned, each commodity branch:

(1) Acts for the Administrator in formulating long-range and current policies and programs and in administering programs relating to domestic price support, production adjustment, international and other supply programs, domestic control and agricultural marketing agreement and order programs, assigned activities in connection with research and service programs authorized by the Research and Marketing Act of 1946 (60 Stat. 1082-1091), and marketing service, regulatory and research programs conducted under other authorities. Coordinates branch policy and program recommendations from Production and Marketing Administration State offices, other units of PMA, other bureaus within the Department of Agriculture, and other Government and industry organizations. Presents policies and programs of the branch to the Administrator and the Commodity Credit Corporation Board of Directors, and represents PMA and the Department with U. S. inter-agency and Federal-State groups or agencies, international agencies and other organizations.

(2) Provides technical direction and coordination in the execution of approved policies and programs carried out by PMA State offices and field Commodity Offices and directs and coordinates programs carried out by field offices of the branch. Reviews and evaluates program operations in the field for the purpose of appraising effectiveness of policies and programs and to determine possible program deficiencies.

(3) Represents the Production and Marketing Administration in maintaining and developing relationships with producer, trade and related groups for the purpose of furnishing technical information, obtaining policy and program recommendations and promoting harmonious relations and cooperation with these groups.

(4) Maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch. Provides or arranges for branch management services.

(b) *Branch symbols.* Branch symbols precede each commodity listed in paragraph (c) of this section. The key to these branch symbols is as follows:

CN—Cotton.
 DA—Dairy.
 FO—Fats and Oils.
 FV—Fruit and Vegetable.
 GR—Grain.
 LS—Livestock.
 MF—Marketing Facilities.
 PY—Poultry.
 SU—Sugar.
 TB—Tobacco.

(c) *Commodity assignments to branches.* Programs, other than inspection programs, involving the following commodities are assigned to the various branches as indicated below:

CN Abaca.
 FV Acetic acid.
 GR Alfalfa meal.
 GR Alimentary paste.
 LS Animal fats, edible or inedible, raw or unrendered, rendered, or otherwise prepared (while in packing plant).
 FO Animal fats, edible or inedible, raw or unrendered, rendered, or otherwise prepared (outside packing plant).
 LS Animal food containing meat (dried, mixed, dehydrated and canned).
 FV Baby food, canned fruit and vegetable and soup (other than milk and meat formulas).
 GR Bakery products.
 GR Baking soda and powder.
 GR Barley, including Pearl, rolled and roasted barley.
 GR Beans, dry, edible, including canned dry beans and edible soybeans.
 FV Bees and beeswax.
 FV Berries (fresh, frozen, canned and dehydrated).
 GR Beverages, alcoholic and non-alcoholic.
 GR Bird seed.
 GR Biscuits (Army type).
 GR Bone meal.
 GR Bran.
 GR Bread, including hard bread.
 GR Breakfast foods.
 GR Brewer products.
 GR Broom corn.
 GR Buckwheat, including flour and cereal.
 DA Butter, butter oil, and butter products.
 DA Buttermilk (fluid, dry).
 FV Butters, fruit.
 GR Cake, pressed.
 SU Cane syrup.
 DA Casein.
 LS Casings (natural and artificial).
 FV Catsup and Chili Sauce.
 LS Cattle and calves.
 GR Cereals and cereal preparations.
 GR Cereose.
 DA Cheese and cheese foods.
 FV Chicory root.
 GR Chicory seed.
 FV Chocolate and chocolate products.
 FV Chow Chow.
 FV Cider.
 TB Cigars.
 TB Cigarettes.
 FV Citric acid.
 FV Citrus fruit, juices and products (fresh, canned, frozen and concentrates).
 FO Cocoa, cocoa beans and cocoa products.
 FO Coconut oil.
 FV Coffee.
 DA Condensed milk.
 FV Confectionery products.
 FO Copra.
 GR Copra meal.
 GR Corn, cracked corn, grits, corn meal, cornstarch, corn sugar and syrup.
 CN Cotton (raw, lint, mill waste).
 CN Cotton linters (grading, standardization and market news).
 FO Cotton linters (except grading, standardization and market news).
 CN Cottonseed (grading, standardization, inspection and market news).
 FO Cottonseed and cottonseed oil (except for grading, standardization, inspection and market news).
 GR Cottonseed meal, cakes, pellets.
 GR Crackers and cracker meal.
 DA Cream (fluid and dry).
 DA Custard (frozen, powder).
 GR Dextrin.
 GR Dextrose.
 GR Distiller's dried grains.
 GR Dog food (other than meat) including dog biscuits.
 PY Eggs (frozen, shell, dried).
 FV Essential oils.
 FO Fatty acids, sulphonated fats and oils.
 FO Fatty alcohols.
 GR Feed and grain products.
 FO Feeding oil.
 GR Feeds (prepared, animal, milk).
 CN Fibers, vegetable.
 FO Fish and fish products.
 GR Fish meal.
 FO Fish and marine animal oils.
 FO Fish oils, including the vitamin products.
 SU Flavorings and fountain syrups.
 FV Flavoring extracts and other flavorings.
 CN Flax.
 FO Flaxseed and oil (except grading, standardization, inspection and market news).
 GR Flaxseed and oil (grading, standardization, inspection and market news).
 GR Flour (including rye and graham flour), except potato flour.
 FV Fruit and fruit products and juices (fresh, pickled, dried, crushed, canned, frozen, dehydrated and processed).
 FV Fruits (dried).
 FV Fruit extracts and nectar.
 FV Fruit jams, jellies and preserves.
 LS Fungicides.

GR Garbanzos (chick peas).
 FV Garlic.
 GR Glucose.
 FO Glycerine (crude, refined).
 DA Goat's milk.
 LS Goats, Angora and other types kept primarily for mohair production.
 GR Grain sorghums.
 FO Grease, oils, and stearine.
 GR Grits, granite grits, and meal.
 GR Hay and straw.
 CN Hemp.
 FO Hempseed and oil.
 CN Hennequen.
 LS Herbicides.
 LS Hides, skins, pelts and hair from domesticated farm animals.
 LS Hogs, including pigs.
 GR Hominy, including grits.
 FV Honey.
 FV Hops.
 LS Horses and mules.
 LS Horsemeat.
 FV Horseradish.
 MF Ice.
 DA Ice cream and mix (liquid, dry), ices, sherbets, frappes.
 LS Insecticides.
 CN Jute.
 CN Kapok.
 FO Lanolin.
 LS Lard and rendered pork fat (except allocations).
 FO Lard and rendered pork fat (allocations only).
 GR Laundry starch.
 GR Lentils.
 FO Linseed, linseed oil.
 GR Lupines, seed and hay.
 GR Macaroni and macaroni products.
 GR Malt and malt syrup.
 SU Maple sugar and syrup.
 FO Margarine.
 GR Matzo (bread).
 FO Mayonnaise and salad dressing.
 GR Meal, liver, glandular.
 LS Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried, and dehydrated).
 LS Meat extracts.
 DA Milk formulas, baby.
 DA Milk sugar.
 DA Milk (cultured, fluid, dry, condensed, evaporated, malted).
 LS Mohair.
 SU Molasses, black strap and high test (invert), except for feed.
 GR Molasses, for feed.
 SU Molasses and syrups, edible except from grain.
 GR Mung beans.
 FV Mushrooms.
 FV Mustard seed and products.
 TB Naval stores, gum.
 FO Neats foot oil, stock stearine.
 TB Nicotine (alkaloid, sulphate, bentonite).
 DA Non-fat dry milk solids.
 GR Noodles.
 FV Nursery stock, citrus.
 FV Nuts, tree.
 GR Oats, rolled oats and oat cereal.
 FO Oilseeds and oil-bearing materials.
 FO Oils, cooking.
 GR Oilseed cakes, meals, and pellets (except for phases performed by Fats and Oils Branch upon request).
 FO Oils, vegetable, nut and vegetable seed oil.
 FO Oleo oil (outside packing plant).
 LS Oleo oil (while in packing plant).
 FO Oleomargarine.
 FV Olives.
 FO Olive oil.
 GR Oyster shells (flour, grits, ground).
 GR Pea meal.
 GR Peanut cake, meal, and flour.
 FO Peanuts, peanut butter and peanut oil.
 GR Peas, dried and split peas, dry.
 FV Pickles.
 GR Popcorn.
 GR Pork and beans, canned.
 FV Potatoes (fresh, canned, dehydrated).
 FV Potato chips.
 FV Potato starch.
 FV Potato flour.
 GR Potatoes—Products used for feed.
 PY Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
 PY Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs, and rabbits (fresh, frozen, canned).
 GR Protein feeds, concentrates.
 GR Pulp, beet, citrus, etc., used for animal feed.
 PY Rabbits, dressed, domestic.
 CN Ramie.
 GR Ravioli.
 FV Relishes.
 DA Rennet (tablets, powdered, liquid).
 GR Rice, rice flour, meal.
 FV Rhubarb.
 LS Rodenticides.
 GR Rye.
 SU Saccharine sorghum.
 FO Salad oil.
 DA Sandwich spreads (dairy products base).
 FV Sauerkraut.

¹ Assigned on a functional basis.

LS Scrapple, chile con carne, and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
 GR Seeds, agricultural and vegetable.
 FO Seed oil.
 GR Semolina.
 LS Sheep and Lambs.
 FO Shortenings.
 CN Sisal.
 TB Snuff.
 FO Soaps and soap stock (foots).
 FV Soups (canned, dehydrated and frozen).
 GR Soups, dry powder, grain.
 FO Soybeans and oil (except grading, standardization, inspection and market news).
 GR Soybeans and oil (grading, standardization, inspection and market news).
 GR Soy flour, and grits.
 GR Spaghetti.
 FV Spices.
 GR Starch, from grain.
 GR Sugar, corn.
 SU Sugar, cane and beet.
 GR Syrups, from grain.
 FO Tallow, edible and inedible (outside packing plant), tallow oil and stearines.
 LS Tallow, edible (while in packing plant).
 LS Tankage, meat.
 FV Tartaric acid.
 FV Tea.
 TB Tobacco and tobacco products.
 FV Tomato products.
 FO Tung oil (China wood oil), nuts.
 FV Vegetables and vegetable products and juices (fresh, canned, dehydrated, frozen, pickled and processed).
 GR Vermicelli.
 FV Vinegar.
 GR Wheat, wheat cereal (including bran), wheat flakes, wheat flour (white, graham), wheat meal (farina), cracked wheat.
 DA Whey (liquid, dry).
 FV Wine and brandy.
 LS Wool.
 FO Wool grease.
 FV Worcestershire sauce.
 GR Yeast.

(d) *Branch commodity listings for inspection purposes.* Commodities are assigned for inspection purposes to the various branches as indicated below:

FV Acetic acid.
 FV Acids, citric, tartaric, phosphoric.
 GR Alfalfa meal.
 GR Alimentary pastes.
 LS Animal fats, edible or inedible, raw or unrendered, rendered or otherwise prepared.
 LS Animal food containing meat (dried, mixed, dehydrated and canned).
 FV Anchovy paste.
 FV Anise.
 FV Asparagus plumosus.
 FV Baby food (other than milk and meat formulas).
 GR Bakery products.
 FV Baking soda and baking powder.
 GR Barley, including pearl, rolled, and roasted barley.
 FV Beans (canned).
 GR Beans, dry edible.
 GR Beet pulp.
 FV Berries (dehydrated, fresh, frozen, and canned).
 FV Beverages, alcoholic and non-alcoholic.
 GR Bird seed.
 GR Biscuits, all kinds.
 GR Bone meal.
 GR Bran.
 GR Bread, including hard bread.
 GR Breakfast foods.
 GR Brewer products.
 GR Broom corn.
 GR Buckwheat, including flour and cereal.
 DA Butter, butter oil and butter products.
 DA Buttermilk (fluid, dry).
 GR Candles.
 FV Candied fruit and fruit peel.
 FV Candy.
 DA Casein.
 LS Casings (natural and artificial).
 GR Cassava.
 LS Cattle and calves.
 GR Cereals and cereal preparations.
 DA Cheese and cheese foods.
 FV Chewing gum.
 FV Chiclet.
 GR Chicory seed.
 FV Chili pepper or powder.
 FV Christmas trees.
 FV Chocolate and chocolate products.
 FV Citrus fruit, juice and citrus products (canned, fresh, frozen, dehydrated and otherwise processed).
 GR Citrus pulp feed.
 FV Cocoa and cocoa products.
 FV Coconut products (except copra and coconut oil).
 GR Coconut oil.
 GR Cod liver oil.
 FV Coffee, coffee concentrates, flavorings, syrups, and substitutes.
 FV Concentrated food drinks (Ovaltine and postum).
 FV Confectionery.
 GR Cooking oils and compounds.
 GR Copra.
 GR Copra meal.

GR Corn.
 GR Corn grits and corn meal.
 GR Corn oil.
 GR Cornstarch.
 GR Corn sugar.
 GR Corn syrup.
 CN Cotton.
 CN Cotton linters.
 CN Cottonseed.
 GR Cottonseed meal, cakes, pellets.
 GR Cottonseed oil.
 GR Cowpeas.
 GR Cracked corn.
 GR Cracked wheat.
 GR Crackers and cracker meal.
 DA Cream (fluid and dry).
 DA Custard (frozen, powder).
 FV Dates and date products.
 FV Dessert powder (custard powder and other dessert powder).
 GR Dextrose.
 GR Diacetone-gulosonic acid.
 GR Distillers dried grains.
 GR Dog biscuits.
 GR Drink powders (not containing milk).
 GR Edible starch, from grain.
 DA Eggs (frozen, shell, dried).
 FV Enzymes (diastase, pectinase).
 FV Essential fruit and spice oils.
 FV Extracts, flavoring.
 GR Farina.
 GR Fatty acids, sulphonated fats and oils.
 GR Fatty alcohols.
 GR Feed and grain products.
 GR Feeding oil.
 GR Feeds, prepared.
 FV Fish, shell fish and other marine products (canned, frozen, pickled, smoked, salted or otherwise processed).
 FV Fish roe and caviar (canned, frozen).
 GR Fish and marine animal oils.
 GR Fish liver oil and concentrate.
 GR Fish meal.
 FV Flavorings, fruit and vegetable.
 GR Flaxseed.
 GR Flour, all kinds.
 FV Fruit and fruit products, fruit juices (fresh, canned, dried, dehydrated, frozen, pickled or otherwise processed).
 FV Fruit butters.
 FV Fruit nectar.
 FV Fruit extracts.
 FV Fruit jams, jellies, preserves.
 LS Fungicides.
 GR Garbanzos (chick peas).
 FV Gelatin.
 GR Glucose.
 GR Glycerine, crude, refined.
 LS Goats, Angora and other types kept primarily for mohair production.
 DA Goats milk.
 GR Graham flour.
 GR Grain sorghums.
 GR Granite grits and meal.
 GR Grease oils and stearines.
 GR Grits.
 GR Hard bread.
 GR Hay and straw.
 GR Hempseed and oil.
 LS Herbicides.
 FV Herbs, seasoning.
 LS Hides, skins, pelts and hair from domesticated farm animals.
 LS Hogs, including pigs.
 FV Hominy (canned and dehydrated).
 FV Hominy grits.
 FV Honey.
 GR Hops.
 FV Horseradish (fresh and processed).
 LS Horsemesh.
 LS Horses and mules.
 DA Ice cream and mix (liquid, dry), ices, sherbets, frappes.
 LS Insecticides.
 GR Kola nuts.
 GR Lanolin.
 LS Lard and rendered pork fat (except allocations).
 GR Laundry starch.
 GR Lentils.
 GR Linseed, linseed oil.
 GR Linseed meal and oil-cake.
 GR Liver and glandular meal.
 FV Lozenges.
 GR Lupines, seed and hay.
 GR Macaroni and macaroni products.
 GR Malt, malt syrup, malt diastase, baker's malt.
 GR Marine animal oils.
 FV Marmalade.
 FV Maté.
 GR Matzo (bread).
 LS Meat and meat products, including sausage (fresh, chilled, frozen, pickled, cured, smoked, canned, dried, and dehydrated).
 LS Meat extracts.
 DA Milk (cultured, fluid, dry, condensed, evaporated, malted).
 GR Milk feeds (prepared, for animals).
 DA Milk formulas, baby.
 DA Milk sugar.
 LS Mohair.
 FV Molasses except for stock feed.
 GR Molasses for feed.
 FV Mushrooms (fresh, canned or otherwise processed).
 GR Mustard seed.
 FV Mustard seed products (except oil).

TB Naval Stores.
 GR Neats foot oil, stock stearine.
 DA Non-fat dry milk solids.
 GR Noodles.
 FV Nuts (fresh and processed).
 GR Oats, rolled oats and oat cereal.
 GR Oil-bearing materials.
 GR Oilseeds.
 GR Oilseed cakes, meals and pellets.
 GR Oils, cooking.
 GR Oils, vegetable and nut.
 LS Oleo oil.
 FV Olives (fresh and processed).
 FV Olive oil.
 GR Oyster shells (flour, grits, ground).
 FV Parsley.
 GR Pea meal.
 FV Peanuts (except on farmers' stock) and peanut butter.
 FO Peanuts, farmers' stock.
 GR Peanut cake, meal, and flour.
 GR Peanut oil.
 GR Pearl barley.
 GR Peas, dry.
 FV Pectin, apple, citrus.
 FV Peonies.
 FV Pickles and pickle products.
 TB Pine dipentene.
 TB Pine oil.
 TB Pine pitch.
 TB Pine tar.
 FV Pomace, apple and citrus.
 GR Popcorn, for seed or popping.
 FV Pork and beans, canned.
 FV Potato chips.
 FV Potato flour.
 DA Poultry, live and dressed, including chickens, turkeys, ducks, geese, guineas, squabs (fresh and frozen).
 DA Poultry, eviscerated, including chickens, turkeys, ducks, geese, guineas, squabs, and rabbits (fresh, frozen, canned).
 GR Prepared feeds.
 GR Protein feeds—concentrates.
 GR Pulp, beet, etc., used for animal feed.
 FV Pulp, fruit (except dried citrus pulp for stock feed).
 DA Rabbits, dressed, domestic.
 GR Rations, K.
 GR Ravioli.
 FV Relishes.
 DA Rennet (tablets, powdered, liquid).
 FV Rhubarb.
 GR Rice, rice flour, meal.
 LS Rodenticides.
 GR Rolled barley and oats.
 TB Rosin.
 GR Rye.
 GR Rye flour.
 FV Saccharine.
 FV Salad dressing.
 GR Salad oil.
 DA Sandwich spreads (dairy products base).
 FV Sauces, meat, vegetable.
 LS Scapple, chile con carne and other food products produced in meat packing plants and containing a substantial proportion of meat or animal fat.
 GR Seed oil.
 GR Seeds, agricultural and vegetable.
 GR Semolina.
 LS Sheep and Lambs.
 GR Shortenings.
 GR Soaps.
 GR Soap stock (foots).
 FV Soft drinks.
 FV Soups (canned, dry mix, dehydrated mix and frozen except poultry soups).
 GR Soybeans.
 GR Soybean cake and meal.
 GR Soybean oil.
 GR Soyflour and grits.
 GR Spaghetti.
 FV Spices.
 GR Split-peas, dry.
 FV Starch, except from grain.
 GR Starch, from grain.
 GR Stearic acid.
 FV Sugar, cane, beet, and maple.
 GR Sugar, from grain.
 GR Sulphonated fats, oils, and fatty acids.
 GR Sunflower seed.
 GR Sunflower seed oil.
 FV Syrups, blended.
 FV Syrups, except from grain.
 FV Syrups, fountain, bottlers' syrups and flavoring.
 GR Syrups, from grain.
 TB Tall oil and pine.
 GR Tallow, inedible.
 LS Tallow, edible.
 LS Tankage, meat.
 FV Tapioca.
 FV Tea.
 TB Tobacco in unmanufactured form.
 FV Tomato plants.
 TB Turpentine.
 FV Vanilla beans.
 FV Vanilla.
 FV Vegetables and vegetable products and juices (fresh, canned, frozen, dehydrated, and otherwise processed).
 GR Vegetable seeds.
 GR Vermicelli.
 FV Vinegars.
 GR Vitamin A and D oil.
 GR Vitamins and vitamin products.
 GR Wheat.

GR Wheat cereal, including bran.
 GR Wheat flakes.
 GR Wheat flour—white, whole wheat (graham).
 GR Wheat meal (farina).
 DA Whey (liquid, dry).
 LS Wool.
 GR Yeast, active, inactive.

(e) *Assignments of regulatory and marketing service acts.* Regulatory and marketing service Acts are assigned for administration among the following branches, as indicated below:

Cotton Branch. United States Cotton Futures Act (26 U. S. C. 1920-1935), the United States Cotton Standards Act (7 U. S. C. 51-65), the Cotton Grade and Staple Statistics Act (7 U. S. C. 471-473c, 474-476), and the Cotton Fiber Testing Act (7 U. S. C. 473d).

Fruit and Vegetable Branch. Export Apple and Pear Act (7 U. S. C. 581-589), the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a-499r), the Produce Agency Act (7 U. S. C. 491-497), and the Standard Container Acts of 1916 (15 U. S. C. 251-256) and 1928 (15 U. S. C. 257, 257a-257i).

Grain Branch. Federal Seed Act (7 U. S. C. 1551-1610) and the United States Grain Standards Act (7 U. S. C. 71-87).

Livestock Branch. Insecticide Act of 1910 (7 U. S. C. 121-134), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. Supp. 135-135k), the Packers and Stockyards Act (7 U. S. C. 181-229, 231) and the Wool Standards Act of May 17, 1928 and section 401 (a) of the Organic Act of 1944 (7 U. S. C. 415 b, c, d, e).

Sugar Branch. Sugar Act of 1948 (Pub. Law 388, 80th Cong.).

Tobacco Branch. The Naval Stores Act (7 U. S. C. 91-99), the Tobacco Seed and Plant Exportation Act (7 U. S. C. 516-517), the Tobacco Inspection Act (7 U. S. C. 511, 511a-511q), the Tobacco Compact Act (7 U. S. C. 515a-515k), and the Tobacco Stocks and Standards Act (7 U. S. C. 501-508).

§ 2300.13 *Functional branch responsibilities.* The programs and activities listed below are specially assigned on a functional basis:

(a) *Production programs and activities.* (1) The Agricultural Conservation Programs Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures for agricultural conservation and production adjustment programs, coordinates branch policy and program recommendations with recommendations from PMA State offices; (ii) provides technical direction and coordination in the execution of approved policies and programs carried out by PMA State offices; and (iii) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(b) *Price support and supply programs and program finance activities.* (1) The Price Support and Foreign Supply Branch (i) provides specialized advice and economic assistance on Production and Marketing Administration and Commodity Credit Corporation policies and programs and develops recommendations for PMA economic policy; (ii) coordinates the development, operation and

review of purchase, loan, diversion, and disposition programs, policies, procedures and instructions for the Administrator; (iii) establishes and maintains liaison with other agencies and with claimants on supply program matters, and collaborates with other PMA branches and claimants to insure fulfillment of contractual and fiscal arrangements; (iv) coordinates requirements, and reviews, clears or approves allocations relating to international food programs; provides PMA representation on European recovery or other foreign supply programs, the Branch Director serving as Chief Liaison Officer on European Recovery for the Department of Agriculture; (v) determines domestic requirements and export policies in regard to non-food agricultural supplies, materials and equipment and carries out the Production and Marketing Administration responsibilities under the provisions of section 17 of the Surplus Property Act, (50 U. S. C. App. 1626) and (vi) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(2) The Shipping and Storage Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures relating to shipping and storage programs; (ii) directs the shipping and storage activities of PMA in Washington and the field; (iii) represents PMA in maintaining and developing relationships with transportation, warehousing and steamship officials for the purpose of furnishing technical information in connection with shipping and storage operations of the Production and Marketing Administration, and promoting harmonious relations with these groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(3) The Fiscal Branch (i) formulates policies and procedures with respect to the fiscal and related activities of Production and Marketing Administration, Commodity Credit Corporation, its agents, and others, incident to programs financed with CCC or other funds; (ii) maintains control accounts and records and prepares fiscal reports on financial operations of PMA, CCC, its agents and others; (iii) maintains detailed accounts and records of administrative and program operations of PMA and CCC as assigned; (iv) has responsibility for real and personal property interests of the United States in facilities acquired by the Department of Agriculture under the Act of March 11, 1941 (22 U. S. C. 411-419), known as the Lease-Lend Act, accepts rentals and purchase monies in connection with these facilities, inspects

and takes any necessary proprietary action relating to such property; and (v) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(c) *Marketing and distribution programs and activities.* (1) The Food Distribution Programs Branch (i) acts for the Administrator in formulating policies relating to school lunch, direct distribution, food preservation, food trade, and nutrition programs; (ii) directs programs of the branch in Washington and the field; (iii) represents Production and Marketing Administration in developing and maintaining relationships with Federal, state and local governmental agencies, and the food trade for the purpose of furnishing technical information and promoting harmonious relations and cooperation with these agencies and groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(2) The Marketing Facilities Branch (i) acts for the Administrator in formulating policies and programs relating to the administration of section 201 of the Agricultural Adjustment Act of 1938 (7 U. S. C. 1291) and section 203 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622) involving adjustments in freight rates and services for farm products, the United States Warehouse Act (7 U. S. C. 241-273), inspection of facilities for storing PMA owned commodities, investigations for more efficient use of transportation equipment, improvements in marketing facilities and other marketing research projects and marketing services; (ii) directs programs of the branch in Washington and the field; (iii) represents PMA in developing and maintaining relationships with Federal, State, and local Governmental agencies and with warehousing and other industry groups for the purpose of furnishing technical information and promoting harmonious relationships and cooperation with these agencies and groups; and (iv) maintains liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(3) The Marketing Research Branch (i) conducts research which cuts across commodity lines including research on transportation methods, and development of new techniques and equipment; packing, packaging and processing; and wholesale and retail market and distribution practices; and (ii) maintains

liaison with other branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to programs assigned to the branch, and provides or arranges for branch management services.

(d) *Administrative and other staff service activities.* (1) The Audit Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating audit policies, programs, and procedures of PMA and Commodity Credit Corporation; (ii) directs the audit and examination activities of PMA, CCC, and others, incident to programs financed with Commodity Credit Corporation or other funds, coordinates audit work among field and Washington offices of PMA, General Accounting Office and other Government agencies; (iii) conducts commercial type audits and examination of PMA and of individuals or organizations contracting with CCC or the Department of Agriculture under programs administered by PMA, including the preparation of reports and recommendations for the Administrator; (iv) conducts cost analyses of commercial organizations or individuals contracting with CCC or the Department of Agriculture under programs administered by PMA to provide financial data to enable PMA officials to re-negotiate or terminate contracts; and (v) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

(2) The Budget and Management Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating plans and policies relating to administrative management policies and programs; (ii) provides the organizational units of PMA in Washington and the field with necessary administrative management assistance, including budget, personnel, administrative services, and organization and management analysis; (iii) administratively interprets policies and collaborates in the use of powers of Commodity Credit Corporation; and (iv) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

(3) The Compliance and Investigation Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating policies, programs, and procedures for preventing and detecting fraud, violations and irregularities in PMA programs and operations; (ii) directs the compliance and investigation

activities of PMA in Washington and the field; (iii) investigates, prepares reports and makes recommendations respecting violations and irregularities in connection with PMA programs, collaborates in prosecution of court cases and in disposition of cases requiring administrative action; (iv) conducts investigations involving accounting operations, installs and services accounting systems incident to marketing agreement programs and others; and (v) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

(4) The Information Branch (i) acts for the Administrator and collaborates with other Production and Marketing Administration officials in formulating PMA information policies and programs; (ii) directs information activities of PMA in Washington and the field; (iii) prepares and issues informational material, arranges necessary radio coverage on PMA activities and plans visual information work; (iv) collaborates with other units of PMA and the Department of Agriculture in issuing technical and popular publications, issues periodical publications regarding PMA activities; and (v) maintains liaison with other staff branches of PMA and the Office of the Administrator in developing branch recommendations on management, program information, audit and investigatory policies and services as they affect or relate to functions assigned to the branch, and provides or arranges for branch management services.

§ 2300.14 *Field offices*—(a) *State offices and State Committees*. The Production and Marketing Administration State Offices (1) formulate State Committee recommendations with respect to current or proposed PMA policies and programs and within program limitations, interpret and adapt policies and programs to State and local requirements; (2) are responsible for the administration within the States of the agricultural conservation program, production adjustment programs, price support programs, Sugar Act payments and other programs as assigned; (3) direct and supervise the activities of County Agricultural Conservation Committees; and (4) work with State and local officials, farmers, and others in regard to assigned PMA programs.

(b) *County Offices and County Committees*. The County Offices (1) inform State Production and Marketing Administration Committees of local conditions to be considered in developing programs and make recommendations with respect to current and proposed programs; and (2) are responsible for the formulation and administration within the county of the agricultural conservation program, production adjustment programs, price support programs, Sugar Act payments and other programs and functions as assigned.

(c) *PMA Commodity Offices*. The Commodity Offices of the Production and Marketing Administration within assigned geographic areas, (1) execute loan, price support, subsidy, foreign supply and other CCC programs, including the purchase, sale, storage, transportation, preservation and disposition of commodities; (2) coordinate the work of the Commodity office with the complementary work of the PMA State and County Committees and the field offices of PMA's branches; establish and maintain working liaison with banks, warehousemen, vendors, carriers, related associations and other groups and individuals participating in CCC programs; and (3) render fiscal and accounting services for the field offices of PMA branches.

(d) *Branch field offices*. The branch field offices (1) recommend policy and plans for programs assigned to the branches and obtain suggestions and recommendations from State Production and Marketing Administration offices and other organizations and groups in the field; (2) carry out at field level, commodity programs of the commodity branches such as marketing research, inspection; market news, regulatory, and marketing agreement and order work, and administer the school lunch and direct distribution programs and other food distribution programs; (3) issue program information; provide personnel and administrative management services; conduct audits and examinations of records of PMA, develop means to facilitate the prevention and detection of fraud and irregularities in PMA programs and conduct investigations to ascertain compliance; and (4) are responsible for field contacts with individuals and organizations of producers, food industries, educational, civic and other organizations having an interest in production, marketing and consumption of agricultural commodities, and (5) maintain contacts with PMA State offices and other agencies of the Department of Agriculture and agencies of other departments—Federal, State and local.

§ 2300.15 *Procedures*—(a) *General*. The nature and requirement of all procedures, except those described in the succeeding paragraphs of this section and Part 2301 of this chapter, and the places for obtaining forms and instructions in connection with the administration of the programs assigned to the Production and Marketing Administration are contained in the statements of functions and procedures of each branch (Parts 2302 to 2330 of this chapter) and the Commodity Credit Corporation (6 CFR Part 200). Regulations, rules of practice and other procedures relating to certain programs of Production and Marketing Administration and Commodity Credit Corporation are published in the Code of Federal Regulations under titles, chapters, and parts, as follows:

TITLE 6—AGRICULTURAL CREDIT

Subtitle B—Regulations Relating to Agricultural Credit

Chapter II—Production and Marketing Administration (Commodity Credit)

Chapter V—Production and Marketing Administration (Diversion Programs)

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

Part 6—War Contract Settlement

Part 8—Compensatory Wage Adjustment Subsidy for Slaughterers

Part 9—Price Support of Agricultural Commodities

Subtitle B—Regulations of the Department of Agriculture

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

Chapter VIII—Production and Marketing Administration (Sugar Branch)

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

Chapter XII—Production and Marketing Administration (Fats and Oils Branch)

Chapter XIII—Production and Marketing Administration (Surplus Property)

Chapter XIV—Production and Marketing Administration (School Lunch Program)

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Production and Marketing Administration (Livestock Branch)

(b) *Surplus property*. The disposal of surplus agricultural commodities and surplus foods processed therefrom, under sections 21 (a) and 10 (c) of the Surplus Property Act of 1944, as amended (50 U. S. C. App. 1630 (a), 1619 (c)), is governed by the statement of policies issued by the Secretary of Agriculture (Part 1700 of this chapter).

(c) *Contract settlement*. Terminations of war contracts and settlements of claims under the provisions of the Contract Settlement Act of 1944 are subject to the rules and regulations of the Office of Contract Settlement (32 CFR Part 8000 et seq.) and regulations of the Department of Agriculture (Part 6 of this title). Each Branch Director, Associate Branch Director and Assistant Branch Director is a "terminating officer," and, with respect to contracts within the jurisdiction of the branch, is authorized to terminate contracts, order the cessation or suspension of work, and to negotiate settlement agreements under terminated contracts. All claims under section 17 of the Contract Settlement Act of 1944 should be filed directly with the Administrator of PMA, who will take final action with respect to the claims.

PART 2301—OFFICE OF THE ADMINISTRATOR

SUBPART A—ORGANIZATION

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AUTHORITY: §§ 2301.1 to 2301.13 issued under R. S. 161; 5 U. S. C. 22; E. O. 9577, June 29, 1945, 10 F. R. 8087; 3 CFR 1945 Supp.

SUBPART A—ORGANIZATION

§ 2301.1 *Central office*—(a) *Office of the Administrator*. The office of the Administrator is headed by an Administrator who is also President of the Commodity Credit Corporation. He is assisted by: a Deputy Administrator and two Assistant Administrators—for production, and for marketing—and a Labor Camp Disposal Officer.

§ 2301.2 *Delegations of authority*—(a) *Administrator*. The Administrator may, at his discretion, and consistent with applicable laws, rules, and regulations, delegate his authority, and provide for the redelegation thereof, to appropriate officers and employees of the Administration and may issue such orders supplementary thereto as he finds necessary. Authority has been delegated to the Deputy Administrator to act for and on behalf of the Administrator in his absence or inability to act. In the absence or inability to act of both the Administrator and the Deputy Administrator, one of the Assistant Administrators may act for and on behalf of the Administrator.

(b) *Deputy Administrator and Assistant Administrators*. Subject to the general control of the Administrator and except with respect to authorities which are restricted from redelegation, authority has been delegated to the Deputy Administrator and the Assistant Administrators to act with respect to activities for which they are responsible. Any or all of the authority so delegated may be redelegated except authority which is restricted from redelegation.

(c) *Labor Camp Disposal Officer*. Authority has been delegated to the Labor Camp Disposal Officer to act for the Administrator in the disposition of labor centers, homes, camps and facilities. The exercise of authority delegated to the Labor Camp Disposal Officer is subject to the limitations and requirements prescribed by the Administrator and of regulations of the Department of Agriculture, except insofar as they have been modified in their applicability to the Farmers Home Administration. In his discretion, the Labor Camp Disposal Officer may redelegate, upon such terms and conditions as he may prescribe, the powers and authority conferred upon him.

(d) *Branch Directors*. Delegations of final authority to and by Branch Directors are set forth in the description of the organization of each branch (Parts 2302 to 2330 of this chapter.)

§ 2301.3 *Availability of information and records*. Public information may be obtained from, and submittals and requests may be made to the Administrator, Production and Marketing Administration, United States Department of Agriculture, Administration Building, Washington 25, D. C., except as otherwise provided under § 2301.12. The records of the Office of the Administrator are available for examination in accordance with the rules and the designation of records issued by the Secretary (Part 2100 of this chapter).

SUBPART B—FUNCTIONS AND PROCEDURES

§ 2301.11 *Functions and responsibilities*—(a) *Administrator*. Under the general direction and supervision of the Secretary of Agriculture, in accordance with applicable laws, rules, and regulations, the Administrator establishes policies governing the administration of production, marketing and Commodity Credit Corporation programs assigned to the Production and Marketing Administration and acts for the Secretary in the formulation of long-range and current agricultural policies and programs including the coordination of state and county recommendations with recommendations from Washington Branches, other agencies of the Department of Agriculture and representatives of producer and trade groups, directs the administration of programs assigned to the Production and Marketing Administration and coordinates broad phases of policy and program execution, as carried out by Washington and the field offices of the Administration, directs the activities of the commodity branches; the PMA Commodity Offices, the Fiscal, Price Support and Foreign Supply, Shipping and Storage, Audit, Information, Compliance and Investigation, and the Budget and Management Branches, acts as President of the Commodity Credit Corporation, and directs the administrative policies essential to the operation of the PMA.

(b) *Deputy Administrator*. Under the general direction of the Administrator, the Deputy Administrator is assigned general responsibility for all activities of the Administration.

(c) *Assistant Administrators*. (1) An Assistant Administrator for Marketing is responsible for PMA marketing programs and for carrying out provisions of the Research and Marketing Act of 1946 (60 Stat. 1082-1091) as they relate to these programs; is responsible for administering the Government-owned alcohol plants pursuant to Public Law No. 890, 80th Congress, and the plants constructed under the Lend-Lease Plant Expansion Program (Public Law No. 11, 77th Congress); is responsible for programs designed to expand through trade channels the distribution of agricultural commodities that might otherwise become surplus; is responsible for providing in PMA a coordinating point for current market information and other services of assistance to producers and other groups in packaging, transportation, handling and merchandising problems in international trade; is responsible for review and coordination of co-operative arrangements; directs the activities of the Marketing Facilities, the Marketing Research and the Food Distribution Programs Branches; coordinates those activities of the commodity branches which relate to the above program assignments; maintains necessary contacts with Federal and State agencies and groups and with industry; and in collaboration with the appropriate staff branch directs the execution of administrative management policies and procedures essential to operation of the branches under the im-

mediate supervision of the Assistant Administrator.

(2) An Assistant Administrator for Production is responsible for the production programs of PMA including agricultural conservation and adjustment, farm marketing quotas and other programs which deal directly with the farmers; directs the activities of the Agricultural Conservation Programs Branch and the Aerial Photographic Laboratories; coordinates and resolves problems of policy and procedure in the administration of State PMA offices; gives technical direction to PMA branches on production and other programs carried out through PMA State and County Agricultural Conservation Committees and coordinates all performance work of the Administration including the development of uniform policies and procedures for checking performance of PMA programs administered by State and County offices; is responsible for fertilizer activities with respect to United States requirements, production, and distribution; and in collaboration with the appropriate staff branch directs the execution of administrative management policies and procedures essential to operation of the branch and PMA State and County Association Offices, under the immediate supervision of the Assistant Administrator.

(d) *Labor Camp Disposal Officer*. A labor camp disposal officer exercises all the authorities, powers, functions and duties vested in the Administrator, Production and Marketing Administration, by the Secretary of Agriculture (Part 1 of this title) to dispose of as provided in the Farmers' Home Administration Act of 1946, as amended (60 Stat. 1062; Pub. Law No. 40, 80th Cong., 1st Sess., approved Apr. 28, 1947) and in Pub. Law 298, 80th Cong., approved July 31, 1947, all labor supply centers, labor homes, labor camps and facilities formerly under the supervision or administration of the Farm Security Administration and transferred or made available to the War Food Administrator for use in the farm labor supply program pursuant to Pub. Law No. 45, 78th Cong., 1st Sess., approved Apr. 29, 1943 (57 Stat. 70), and in the custody or under the control of the Production and Marketing Administration on August 12, 1947, all similar centers, homes, camps, and facilities constructed or acquired by the War Food Administrator or the Department of Agriculture pursuant to subsequent similar laws or otherwise and used in the farm labor supply program, and any equipment pertaining thereto or used in the farm labor supply program: *Provided*, The labor camp disposal officer shall not dispose of any real estate without the prior approval of the Administrator, Production and Marketing Administration.

§ 2301.12 *Procedures*. The procedures of the Office of the Administrator relate to the internal management of the Administration, except as otherwise provided in this subpart.

§ 2301.13 *Aerial Photographs*—(a) *General*. The aerial photographic lab-

oratories, under the direction of the Assistant Administrator for Production, are responsible for formulation, coordination and direction of the aerial photographic and engineering programs and services of the Production and Marketing Administration, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1387). The laboratories derive ratio factors, compile mosaics, and furnish reproductions of aerial or other photographs, mosaics, and maps, as have been obtained in connection with its authorized work at the estimated cost of furnishing the reproduction.

(b) *To whom furnished.* Reproductions may be furnished to agencies of the Federal Government; State, county, municipal, or other non-Federal governmental agencies; farmers; corporations; or other persons.

(c) *Conditions.* Photographs will not be furnished to (1) purchasers outside the United States; (2) purchasers that intend to use them in suits against the United States Government, unless approval is obtained from the Solicitor of the Department of Agriculture; (3) purchasers other than Federal Agencies if the photographs cover classified areas and approval of the War or Navy Departments is not secured; and (4) purchasers who intend to use the photographs for advertising, or otherwise to indicate directly or by implication that the Department endorses any commercial product. Photographs made from materials of other Federal agencies will not be furnished without their approval.

(d) *Terms of sale.* Standard Form 1080 is used in securing collections from Federal agencies. Collections in advance will not be required from non-Federal agencies where legislative requirements prohibit advance payment by the ordering agencies. All other collections are made prior to delivery of the materials.

(e) *Obtaining aerial photographic reproductions.* Prices and other information regarding aerial photographs will be furnished upon request by county Agricultural Conservation Association or State PMA offices. Orders for photographs of any areas in the following States should be addressed to: Western Aerial Photographic Laboratory, Production and Marketing Administration, U. S. Department of Agriculture, 145 Motor Avenue, Salt Lake City, Utah; Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota and Kansas. Orders for photographs of any areas in the remaining states should be addressed to: Eastern Aerial Photographic Laboratory, Office of the Chief, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

Dated: September 20, 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8566; Filed, Sept. 23, 1948;
8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

REVOCATION OF DESIGNATION OF ROOSEVELT FLYING SERVICE BASE (CURRIE COMMON PARK), WEST PALM BEACH, FLA., AS AN AIRPORT OF ENTRY FOR ALIENS

Section 110.3, *Airports of entry*, Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "West Palm Beach, Fla., Roosevelt Flying Service Base (Currie Common Park)" from the list in paragraph (a) of permanent airports of entry for aliens.

Notice of the proposed revocation of the designation of the Roosevelt Flying Service Base (Currie Common Park), West Palm Beach, Florida, as an airport of entry for aliens was published in the FEDERAL REGISTER dated August 14, 1948 (13 F. R. 4712), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003).

The revocation of the designation of this airport is made because the base is no longer available for the use of aircraft.

The revocation made hereby shall be effective as of the close of business on August 31, 1948. The delayed effective date requirements of section 4 (c) of the Administrative Procedure Act are dispensed with because the revocation of the designation of this base as an airport of entry for customs purposes has been made effective on that date (13 F. R. 4443).

(Sec. 7 (d), 44 Stat. 572, sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d))

[SEAL] TOM C. CLARK,
Attorney General.

Recommended: September 13, 1948.

JOHN P. BOYD,
Acting Commissioner of
Immigration and Naturalization
[F. R. Doc. 48-8557; Filed, Sept. 23, 1948;
8:47 a. m.]

TITLE 15—COMMERCE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

[Distribution Order D-1]

PART 338—MATERIALS ORDERS

DISTRIBUTION OF ARMY ANHYDROUS AMMONIA

Section 338.60, Distribution Order D-1, is amended to read as follows:

§ 338.60 *Distribution Order D-1—(a) Purpose.* This section explains how the Department of Commerce, acting through the Office of Domestic Commerce, will direct the distribution of Army anhydrous ammonia for the bal-

ance of the fertilizer year, October 1, 1948 to June 30, 1949. "Army anhydrous ammonia" means anhydrous ammonia made available by the Department of the Army for the commercial production of nitrogenous fertilizer materials for domestic use, pursuant to the following provision in section 205 of Title II of Public Law 793, 80th Congress (Foreign Aid Appropriation Act, 1949), approved June 28, 1948:

* * * In addition, the Department of the Army shall make available, for the commercial production of nitrogenous fertilizer materials for domestic use, 10 per centum of the total anhydrous ammonia produced in the United States in plants operated by or for the Department of the Army, said anhydrous ammonia to be distributed as directed by the Department of Commerce, which shall give preference, in distributing said anhydrous ammonia, to producers of ammonium sulphate who were producing ammonium sulphate during the six months preceding the enactment of this Act or who shall have ceased to produce, or shall be faced with an imminent shutdown in the production of, ammonium sulphate for want of anhydrous ammonia, to the extent necessary to permit such producers to operate * * *

This section does not deal with anhydrous ammonia made available by the Department of the Army for production of nitrogenous fertilizer materials for export, under Public Law 606, 80th Congress. Such distribution is handled under the provisions of Direction 4A to Allocations Regulation 2.

DISTRIBUTION POLICIES

(b) *ODC distribution policies.* While the expected quantity of Army anhydrous ammonia is substantial, it represents only a small part of the total domestic supply and will meet only a small part of the total demand for use in fertilizer production. ODC distribution of this limited quantity of Army anhydrous ammonia will be based upon the requirements of Public Law 793, as quoted above.

Distribution will be made on a quarterly basis, beginning with the fourth calendar quarter of 1948.

(c) *Statutory preference distribution to certain producers of ammonium sulphate.* For the purposes of this section, the term "producer of ammonium sulphate" means a person regularly engaged in the business of producing and selling a commercial fertilizer product composed chiefly of ammonium sulphate and containing not less than 20.5% of nitrogen; and the term "selling" ("or sale") does not include transactions with plants affiliated with a producer.

(1) As required by Public Law 793 preference in distribution will be given to the following classes of producers of ammonium sulphate, who will be authorized by ODC to purchase Army anhydrous ammonia to the extent necessary to permit such producers to operate:

(i) Those who were producing ammonium sulphate during the six-month period December 28, 1947-June 28, 1948;

(ii) Those who were producing ammonium sulphate on or prior to June 28, 1948 and ceased commercial production for want of anhydrous ammonia or are faced with an imminent shutdown in the

production of ammonium sulphate for want of anhydrous ammonia.

This statutory preference distribution will be made upon the basis of applications submitted as explained in paragraph (g) of this section and subject to the conditions set out in paragraph (e) of this section.

(2) An application from a producer of ammonium sulphate eligible under subparagraph (1) of this paragraph will be approved only for the minimum quantity of anhydrous ammonia needed to continue or return the particular plant to the production and sale of ammonium sulphate.

(i) Ordinarily, approval will be limited to the quantity which the ODC estimates will, together with other available supplies of anhydrous ammonia, provide for production during the calendar quarter of 75% of the largest quantity of ammonium sulphate produced in the plant during any consecutive two months in the year July 1, 1947-June 30, 1948.

(ii) However, if the applicant conclusively demonstrates to the ODC that the quantity of anhydrous ammonia provided for in subdivision (i) of this subparagraph will not permit him to continue or return to commercial production and sale of ammonium sulphate without serious financial loss, the ODC may make available an additional quantity sufficient to permit operation without such loss.

(iii) In the event that, subsequent to an allocation to it of Army anhydrous ammonia under subparagraphs (2) (i) or (ii) of this paragraph, a plant obtains anhydrous ammonia for export purposes under Direction 4A to Allocations Regulation 2, the unshipped balance of the Army anhydrous ammonia previously allocated will be correspondingly reduced.

(d) *Distribution of balance.* Any balance of the Army anhydrous ammonia not required for the statutory preference distribution under paragraph (c) of this section will be distributed, to the extent available, to the commercial producers of primary nitrogen who are supplying nitrogen for the civilian export program of 1948-49 either as anhydrous ammonia or in the form of other nitrogenous fertilizer materials.

(1) The following classes of nitrogen producers who are participating in the 1948-49 export program will be eligible for a distribution:

(i) Primary producers of anhydrous ammonia who manufacture solid nitrogenous fertilizer materials or who regularly sell anhydrous ammonia.

(ii) Primary producers of by-product sulphate who will use anhydrous ammonia for increasing their output of ammonium sulphate.

(2) The distribution of Army anhydrous ammonia for the balance of the current fertilizer year (July 1, 1948 to June 30, 1949) will be made to the above classes of nitrogen producers in quantities proportionate to the amounts of nitrogen which they are to supply for the export program during the current fertilizer year under Direction 4A to Allocations Regulation 2.

CONDITIONS

(e) *Conditions.* Every distribution made under this section is made subject to the condition that the applicant agrees:

(1) To comply with the sales terms for Army anhydrous ammonia established by the Department of the Army as to price, payment, point of delivery, etc.

(2) To unload, promptly after arrival, the tank car(s) used to ship the Army anhydrous ammonia to the applicant's plant.

(3) In the case of producers of ammonium sulphate receiving preference distribution under paragraph (c) of this section, to use the Army anhydrous ammonia only at the plant covered by the application and only for the production and sale of ammonium sulphate for domestic fertilizer use.

(4) In the case of producers of primary nitrogen, receiving distribution under paragraph (d) of this section, to use or sell the tonnage of Army anhydrous ammonia or an equivalent quantity for the production of a corresponding additional quantity of solid nitrogenous fertilizer materials suitable for direct application to domestic crops.

(5) To comply with any further conditions established by the ODC, in approving the application, in order to further the objectives of section 205 of Public Law 793.

APPLICATION PROCEDURE

(f) *How to apply for distribution.* Distribution of Army anhydrous ammonia under this section will be made on a calendar quarterly basis starting with the fourth calendar quarter of 1948. Applications are to be made by letter, in duplicate, and must be received by ODC not later than the 10th day of October for the fourth quarter of 1948. For subsequent quarters applications must be received not later than 30 days prior to the first day of the quarter.

(g) *How producers of ammonium sulphate make application for preference distribution.* A producer of ammonium sulphate who is eligible for statutory preference distribution as explained in paragraph (c) of this section, and who agrees to comply with the conditions of paragraph (e) of this section, may submit an application to the ODC on a plant basis. In his application he must supply the following information:

(1) The total tonnage of ammonium sulphate produced at that plant during (i) the period July 1, 1947, to June 30, 1948, and (ii) the highest consecutive two months in the period.

(2) The total tonnage of ammonium sulphate sold as such from that plant during the period July 1, 1947, to June 30, 1948, excluding sales to affiliated plants.

(3) The types and total tonnages of other fertilizers and fertilizer materials, if any, produced at the plant during the period July 1, 1947, to June 30, 1948.

(4) The names and locations of other domestic commercial fertilizer or fertilizer materials plants, if any, currently owned or operated by the applicant or

affiliated companies or being constructed by either.

(5) The total tonnages, and names of suppliers, of anhydrous ammonia, used by the applicant (including any used under toll agreement) during the period July 1, 1947 to June 30, 1948 (i) at the plant for which application is being made and (ii) at all other domestic commercial fertilizer or fertilizer materials plants, if any, owned or operated by the applicant or affiliated companies.

(6) The quantities of anhydrous ammonia covered by contracts, commitments, position or other arrangements of any kind he has or expects to have with commercial suppliers of anhydrous ammonia for the quarterly period covered by his application for all domestic commercial fertilizer or fertilizer materials plants owned or operated by the applicant or affiliated companies; the names of such suppliers; the minimum and maximum tonnages of anhydrous ammonia expected to be received during the quarterly period (state months) for the applicant plant; the quantities of anhydrous ammonia on hand at the first day of the quarterly period at the applicant plant.

(7) In addition, persons applying under paragraph (c) (2) (ii) of this section should specify the minimum quantity of ammonium sulphate production needed to avoid operation at a serious financial loss during the quarterly period and should support this with appropriate data as to costs, income and operating rates.

(8) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of section 35A of the United States Criminal Code, that the applicant is familiar with the provisions of Distribution Order D-1, as amended September 21, 1948; that the applicant is a producer of ammonium sulphate as defined in that order; that the applicant agrees to comply with the conditions of paragraph (e) of that order and will use any Army anhydrous ammonia made available to him only for the purposes for which it is made available; and that all information supplied in or in connection with this application is true and correct to the best of his knowledge and belief.

(h) *How a producer of primary nitrogen makes application.* Any producer of primary nitrogen who is participating in the 1948-49 export program may make an application for Army anhydrous ammonia under paragraph (d) of this section. In his application he must:

(1) State that he wishes to participate in the distribution of the balance of Army anhydrous ammonia, and

(2) Certify his application in substantially the following form:

The undersigned applicant certifies, subject to the penalties of section 35A of the United States Criminal Code, that the applicant is familiar with the provisions of Distribution Order D-1 as amended September 21, 1948; that the applicant is a producer of primary nitrogen; that the applicant agrees to comply with the applicable conditions of paragraph (e) of that order and will use any Army anhydrous ammonia made available to him only for the purpose for which it is made available; and that all information

supplied in or in connection with this application is true and correct, to the best of his knowledge and belief.

(i) *ODC action on application.* The ODC will notify each applicant, in writing, as to whether his application has been approved or denied. In approved cases, the ODC will notify the applicant how to place his orders with the Department of the Army and will issue appropriate directives to the Department of the Army.

COMMUNICATIONS

(j) *Communications.* All communications regarding this section, and all applications filed under this section, should be addressed to: Chemicals Division, Office of Domestic Commerce, Department of Commerce, Washington 25, D. C., Ref.: D-1.

NOTE: The reporting requirements of this section have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(Pub. Law 793, 80th Cong.; Materials Control Regulation 1-A, 13 F. R. 3861)

Issued this 21st day of September 1948.

[SEAL] OFFICE OF DOMESTIC
COMMERCE,
RAYMOND HOOVER,
Issuance Officer.

[F. R. Doc. 48-8560; Filed, Sept. 23, 1948;
8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5258]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

EVERETT FOOT CUSHION LABORATORIES, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (m) 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.72 (c) *Offering unfair, improper and deceptive inducements to purchase or deal—Earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with the offering for sale, sale and distribution in commerce, of respondent's device formerly designated "Arch Aidant" and now designated "Re-Zil-Arch," or any device of substantially similar construction, (1) representing that respondent's device stops foot trouble; relieves foot pains caused by fallen arches, callouses or other foot ailments; is scientifically constructed or designed; conforms to the shape or needs of the arch; exercises or massages the foot; strengthens the foot structure; relieves fallen arches, callouses, corns, cramped

toes, tender heels, perspiration, leg pains, backache, poor circulation or metatarsal trouble; (2) using the term "Arch-Aidant" or any other term of similar import to designate or describe said device, or otherwise representing that said device is of general aid to the arch of the foot; (3) using the word "Laboratories" or any other word or term of similar import in respondent's trade name, or otherwise representing that he owns or operates a laboratory; or, (4) representing as earnings or profits of respondent's sales agents any amount which is not a true representation of the average net earnings consistently made by such agents in the ordinary course of business under normal conditions and circumstances; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Everett Foot Cushion Laboratories, etc., Docket 5258, August 11, 1948]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of George N. Bouthillette, an individual doing business under the trade names of Everett Foot Cushion Laboratories, and Everett Foot Cushion Company.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence introduced before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and brief in support of the complaint (no brief having been filed on behalf of respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, George N. Bouthillette, individually and trading under his own or any other name or designation, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's device formerly designated "Arch-Aidant" and now designated "Re-Zil-Arch", or any device of substantially similar construction, do forthwith cease and desist from directly or indirectly:

1. Representing that respondent's device stops foot trouble; relieves foot pains caused by fallen arches, callouses or other foot ailments; is scientifically constructed or designed; conforms to the shape or needs of the arch; exercises or massages the foot; strengthens the foot structure; relieves fallen arches, callouses, corns, cramped toes, tender heels, perspiration, leg pains, backache, poor circulation or metatarsal trouble.
2. Using the term "Arch-Aidant" or any other term of similar import to designate or describe said device, or otherwise representing that said device is of general aid to the arch of the foot.
3. Using the word "Laboratories" or any other word or term of similar import

in respondent's trade name, or otherwise representing that he owns or operates a laboratory.

4. Representing as earnings or profits of respondent's sales agents any amount which is not a true representation of the average net earnings consistently made by such agents in the ordinary course of business under normal conditions and circumstances.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8553; Filed, Sept. 23, 1948;
8:46 a. m.]

[Docket 4602]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CROWN MANUFACTURERS ASSOCIATION OF AMERICA ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (a) 5) *Combining or conspiring—To discriminate through, or use, basing point and delivered price systems:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (d) 3) *Combining or conspiring—To fix prices through patent licensing agreements:* § 3.85 (a) *Selling and quoting on systematic price matching basis—Basing points and delivered price systems:* § 3.995 (a) 3) *Using patents, rights or privileges unlawfully—Fixing prices through licensing agreements exceeding legitimate patent monopoly.* I. In or in connection with the offering for sale, sale, or distribution in commerce, of crown bottle caps or cork discs used in the manufacture thereof, and on the part of respondent Arco Crown Cork and Cap Co., Inc., and twelve other corporations, and their respective officers, etc., and on the part of respondent individuals McAuliffe, Costa, Feagley, and Cohn (directors or former directors of respondent association), and their respective agents, etc., entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties, to (1) fix, establish, or maintain prices, terms, or conditions of sale for crown bottle caps or cork discs used in the manufacture of crown bottle caps, or adhere, or promise to adhere, to any prices, terms, or conditions of sale so fixed, established, or maintained; (2) hold or participate in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Crown Manufacturers Association of America, or any other medium or agency, concerning proposed or future prices, terms, or conditions for sale of crown bottle caps; (3) accept or

maintain uniform standards governing the color, decoration, or appearance of crown bottle caps for the purpose or with the effect of establishing or maintaining, or assisting in the establishing or maintaining, of uniform prices for crown bottle caps; (4) exchange or distribute among the corporate respondents, or any of them, price lists or schedules or other information showing current or future prices, terms, or conditions of sale, for the purpose, or which have the tendency or effect, of fixing or maintaining uniform prices or terms of sale for crown bottle caps; (5) quote or sell crown bottle caps at prices calculated or determined pursuant to or in accordance with any freight-equalization plan, system, or formula which results in uniform delivered prices at any given destination, or which deprives purchasers of an opportunity to obtain some advantage in price or more favorable terms or conditions from one of the corporate respondents than from another; or (6) use or maintain respondent Crown Manufacturers Association of America, or any other central agency, as an instrument or medium for promoting, aiding, or rendering more effective any cooperative or concerted efforts to suppress or eliminate competition by or through any of the means or methods set forth in the immediately preceding prohibitions numbered one to five, inclusive; and, II, knowingly advising, assisting, participating or cooperating with the aforesaid respondents, or any of them, in doing any of the things forbidden in the aforesaid prohibitions numbered one to five, inclusive, on the part of respondent Crown Manufacturers Association of America and its officers, etc.; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Crown Manufacturers Association of America et al., Docket 4602, August 4, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 4th day of August A. D. 1948.

In the matter of Crown Manufacturers Association of America, an unincorporated association; L. C. McAuliffe, D. W. Hutchinson, E. J. Costa, and Louis B. Monfort, all individually and as officers and directors of the Crown Manufacturers Association of America; Joseph C. Feagley, and Benno Cohn, both individually and as directors of the Crown Manufacturers Association of America; and Arco Crown Cork & Cap Co., Inc.; the Armstrong Cork Company, a corporation; Bond Manufacturing Corporation, Inc.; Crown Cork & Seal Company, Inc.; Carvin Bottle Cap Corporation; Consolidated Cork Corporation; Ferdinand Gutmann & Company, a corporation; Hoosier Crown Corporation; W. H. Hutchinson & Son, Inc.; Benjamin Kraus, an individual trading under the name and style of Bamberger, Kraus & Co.; Mitchell & Smith, Inc.; Mundet Cork Corporation; and Western Stopper Company, Inc., all individually and as members of the Crown Manufacturers Association of America; and Chicago Crown Company, a corporation.

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission, the answers thereto filed by the respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, the recommended decision of the trial examiner and exceptions thereto filed by counsel supporting the complaint, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the corporate respondents Arco Crown Cork & Cap Co., Inc., Armstrong Cork Company, Bond Crown & Cork Company (formerly Bond Manufacturing Corporation, Inc.), Crown Cork & Seal Company, Inc., Penn Cork & Closures, Inc. (formerly Carvin Bottle Cap Corporation), Consolidated Cork Corporation, Ferdinand Gutmann & Company, Hoosier Crown Corporation, W. H. Hutchinson & Son, Inc., Mitchell & Smith, Inc., Mundet Cork Corporation, and Western Crown Cork & Seal Corporation (formerly Western Stopper Company, Inc.), their respective officers, agents, representatives, and employees, and the individual respondents L. C. McAuliffe, E. J. Costa, Joseph C. Feagley, and Benno Cohn, and their respective agents, representatives, and employees, in or in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of crown bottle caps or cork discs used in the manufacture of crown bottle caps, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination, or conspiracy between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts or things:

1. Fixing, establishing, or maintaining prices, terms, or conditions of sale for crown bottle caps or cork discs used in the manufacture of crown bottle caps, or adhering, or promising to adhere, to any prices, terms, or conditions of sale so fixed, established, or maintained.

2. Holding or participating in any meeting, discussion, or exchange of information among themselves or under the auspices of respondent Crown Manufacturers Association of America, or any other medium or agency, concerning proposed or future prices, terms, or conditions for sale of crown bottle caps.

3. Adopting or maintaining uniform standards governing the color, decoration, or appearance of crown bottle caps for the purpose or with the effect of establishing or maintaining, or assisting in the establishing or maintaining, of uniform prices for crown bottle caps.

4. Exchanging or distributing among the corporate respondents, or any of them, price lists or schedules or other information showing current or future prices, terms, or conditions of sale, for the purpose, or which have the tendency or effect, of fixing or maintaining uniform prices or terms of sale for crown bottle caps.

5. Quoting or selling crown bottle caps at prices calculated or determined pursuant to or in accordance with any freight-equalization plan, system, or formula which results in uniform delivered prices at any given destination, or which deprives purchasers of an opportunity to obtain some advantage in price or more favorable terms or conditions from one of the corporate respondents than from another.

6. Using or maintaining respondent Crown Manufacturers Association of America, or any other central agency, as an instrument or medium for promoting, aiding, or rendering more effective any cooperative or concerted efforts to suppress or eliminate competition by or through any of the means or methods set forth in the immediately preceding paragraphs numbered 1 to 5, inclusive, of this order.

It is further ordered, That respondent Crown Manufacturers Association of America, an unincorporated trade association, and its officers, agents, representatives, and employees, do forthwith cease and desist from knowingly advising, assisting, participating or cooperating with the aforesaid respondents, or any of them, in doing any of the things forbidden in the paragraphs numbered 1 to 5, inclusive, of this order.

It is further ordered, For reasons appearing in the findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents D. W. Hutchinson, Louis B. Monfort, Benjamin Kraus, formerly trading under the name and style of Bamberger, Kraus & Co., and Chicago Crown Company.

It is further ordered, That the respondents against which this order is directed shall, within sixty (60) days after service of the same upon them, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Mason not participating because of absence.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8555; Filed, Sept. 23, 1948; 8:46 a. m.]

[Docket No. 5446]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

JACQUES KREISLER MANUFACTURING CORPORATION ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Cumulative discounts.* In connection with the sale and distribution of jewelry products in commerce, discriminating directly or indirectly in price by charging, accepting, or receiving from different purchasers of jewelry products of like grade and quality net prices which differ as much as, or more than, two and one-half percent of the highest of such net prices; prohibited, subject to the provision, however, that the foregoing shall not be construed to prevent respondents from defending

any alleged violation of the order by showing that different prices make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the products were sold or delivered. (Sec. 2 (a), 49 Stat. 1526; 15 U. S. C., sec. 13 (a)) [Cease and desist order, Jacques Kreisler Manufacturing Corporation et al., Docket 5446, August 11, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 11th day of August A. D. 1948.

In the matter of Jacques Kreisler Manufacturing Corporation, a corporation; Jacques Kreisler, President, and Tobias Stern, Secretary and Treasurer, of Jacques Kreisler Manufacturing Corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, a stipulation as to the facts, and a supplemental stipulation as to the facts, both entered into by counsel for respondents and the Chief Trial Counsel for the Commission, which stipulations provide, among other things, that without further evidence or other intervening procedure the Commission may proceed upon the complaint and said stipulations to make its report, stating its findings as to the facts and its conclusion based thereon, and enter its order disposing of this proceeding; and the Commission having made its findings as to the facts and conclusion that respondents have violated subsection (a) of section 2 of "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by Act approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondents, Jacques Kreisler Manufacturing Corporation, a corporation, and Jacques Kreisler and Tobias Stern as officers of the corporate respondent, their representatives, agents, and employees, directly or through any corporate or other device, in or in connection with the sale and distribution of jewelry products in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

Directly or indirectly discriminating in price by charging, accepting, or receiving from different purchasers of jewelry products of like grade and quality net prices which differ as much as, or more than, 2½ per cent of the highest of such net prices; provided, however, that the foregoing shall not be construed to prevent respondents from defending any alleged violation of this order by showing that different prices make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which the products were sold or delivered.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 48-8554; Filed, Sept. 23, 1948;
8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11; 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215, 4023) and certification of batches of penicillin- or streptomycin-containing drugs (12 F. R. 2231, 4023, 8152; 13 F. R. 439) are amended as indicated below:

Percent of ephedrine penicillin G—	$\frac{\text{Milligrams N-ethyl piperidine penicillin precipitate} \times 223.2}{\text{Weight of sample in milligrams}}$
------------------------------------	--

(j) *Penicillin K content.* Proceed as directed in § 141.5 (g).

§ 141.31 *Ephedrine penicillin tablets—*
(a) *Potency.* Proceed as directed in § 141.21 (a).

(b) *Moisture.* Proceed as directed in § 141.5 (a).

(c) *Microorganism count.* Proceed as directed in § 141.21 (b).

3. In § 146.25 *Penicillin in oil and wax*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$8.00" and substituting therefor "\$4.00."

4. In § 146.26 *Penicillin ointment*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$8.00" and substituting therefor "\$4.00."

5. In § 146.36 *Penicillin vaginal suppositories*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$2.00" and substituting therefor "\$1.00."

6. a. In § 146.39 *Crystalline penicillin tablets*, paragraph (a) *Standards of identity, strength, quality, and purity*, third sentence, is amended to read: "The potency of each tablet is not less than 50,000 units; its moisture content is not more than 1.0 percent; its content of viable microorganisms is not more than 50 per gram. The penicillin used conforms to the requirements of § 146.24 (a) for crystalline penicillin, except subparagraphs (2), (4), and (7) of § 146.24 (a)."

b. In § 146.39 paragraph (c) *Labeling* is amended to read as follows:

(c) *Labeling.* Each package of crystalline penicillin tablets shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;
(ii) The number of units in each tablet of the batch;

1. Section 141.21 *Crystalline penicillin tablets*, is amended by deleting paragraphs (c) and (d) and substituting therefor the following new paragraph:

(c) *Moisture.* Proceed as directed in § 141.5 (a).

2. Part 141 is amended by adding the following new sections:

§ 141.30 *Ephedrine penicillin—*(a) *Potency.* Proceed as directed in § 141.1.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Pyrogens.* Proceed as directed in § 141.3.

(d) *Toxicity.* Proceed as directed in § 141.4.

(e) *Moisture.* Proceed as directed in § 141.5 (a).

(f) *pH.* Proceed as directed in § 141.5 (b).

(g) *Clarity.* Proceed as directed in § 141.5 (c).

(h) *Microscopical tests for crystallinity.* Proceed as directed in § 141.5 (d).

(i) *Penicillin G content.* Proceed as directed in § 141.5 (f) using an accurately weighed sample of approximately 80 milligrams and the following formula for calculating the percent of ephedrine penicillin G:

(iii) The statement "Warning—Not for injection"; and

(iv) The statement "Expiration date _____", the blank being filled in with the date which is 36 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: To be dispensed only by or on the prescription of a _____", the blank being filled in with the word "physician" or "dentist" or both, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such tablets; or a reference to a brochure, or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

c. In § 146.39, subparagraph (2) of paragraph (d) *Request for certification; samples*, is amended to read:

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch; average potency per tablet, average moisture, microorganism count.

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G), crystallinity and heat stability, and the penicillin G content, if it is crystalline penicillin G.

d. In § 146.39, subparagraph (3) of paragraph (d) *Requests for certification; samples*, is amended to read:

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The crystalline penicillin used in making the batch; 10 packages, containing approximately equal portions of not less than 60 milligrams each, packaged in accordance with the requirements of § 146.24 (b).

e. In § 146.39, paragraph (d) is further amended by adding the following new subparagraph after § 146.39 (d) (3):

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

f. In § 146.39, paragraph (e) is amended to read:

(e) *Fees.* The fee for the services rendered with respect to each batch of tablets crystalline penicillin under the regulations in this part shall be:

(1) \$1.00 for each tablet in the sample submitted in accordance with paragraph (3) (i) of this section, \$4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

7. In § 146.41 *Crystalline penicillin and epinephrine in oil*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$8.00" and substituting therefor "\$4.00."

8. In § 146.45 *Procaine penicillin in oil*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$8.00" and substituting therefor "\$4.00."

9. In § 146.46 *Crystalline penicillin for inhalation therapy*, subparagraph (2) of paragraph (d) *Request for certification; samples*, is amended to read:

(2) Such person shall submit in connection with his request accurately representative samples of the batch; one immediate container for each 5,000 immediate containers in the batch, but in no case less than 40 immediate contain-

ers or more than 100 immediate containers, except if the immediate container is packaged to contain more than 50,000 units, in which case not less than 20 immediate containers nor more than 50 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

10. Part 146 is amended by adding the following new sections:

§ 146.48 *Ephedrine penicillin (penicillin ephedrine salt), ephedrine penicillin G (penicillin G ephedrine salt)*—(a) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin is the crystalline ephedrine salt of a kind of penicillin, or a mixture of two or more such salts prepared from ephedrine U. S. P. and penicillin, but the quantity of any salt of penicillin K therein is not more than 30 percent; ephedrine penicillin G is ephedrine penicillin which contains not less than 85 percent by weight of the ephedrine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 1,000 units per milligram;

(2) It is sterile;

(3) It is nontoxic;

(4) It is nonpyrogenic;

(5) Its moisture content is not more than 1.5 percent;

(6) Its pH in aqueous solution of 5,000 to 10,000 units per milliliter is not less than 5 and not more than 7.5; and

(7) Its solution in water for injection U. S. P., dextrose injection 5 percent U. S. P., or physiological salt solution U. S. P., prepared by adding 5,000 to 10,000 units per milliliter, is of such clarity that it is substantially free of any turbidity or undissolved material.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of ephedrine penicillin shall bear on its outside wrapper or container and the immediate container as hereinafter indicated, the following:

(1) The batch mark;

(2) The weight of the drug and the number of units in the immediate containers;

(3) The statement "Expiration date _____", the blank being filled in with the date which is 12 months after the month during which the batch was certified; and

(4) The statement "For manufacturing use only".

(d) *Requests for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certi-

cation of a batch of ephedrine penicillin shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, pH, clarity, crystallinity, penicillin K content (unless it is ephedrine penicillin G), and the penicillin G content if it is ephedrine penicillin G.

(2) Such person shall submit with his request a sample containing 10 approximately equal portions of at least 300 milligrams each taken from different parts of such batch. Each such portion shall be packaged in a separate container and in accordance with the requirements of paragraph (b) of this section.

(3) In connection with the contemplated requests for certification of batches of another drug in the manufacture of which ephedrine penicillin is to be used, the manufacturer of a batch which is to be so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to each manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) \$4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) and (3) of this section; and

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed under subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.49 *Ephedrine penicillin tablets*—

(a) *Standards of identity, strength, quality, and purity.* Ephedrine penicillin tablets are tablets composed of ephedrine penicillin and one or more buffer substances, with or without one or more suitable and harmless diluents, binders, and lubricants. The potency of each tablet is not less than 30,000 units. Its moisture content is not more than 1.5 percent, and its content of viable microorganisms is not more than 50 per gram. When a tablet is dissolved as directed the potency of such solution is not less than 4,000 units per milliliter after it has been

kept for one day at a temperature of 15° C. (59° F.). Such solution is isotonic, and has a pH of 6.0, ± 0.2 . The ephedrine penicillin used conforms to the requirements of § 146.48 (a) for ephedrine penicillin except subparagraphs (2), (4), and (7) of § 146.48 (a). Each buffer substance and preservative used, if their names are recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Unless each tablet is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U. S. P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of tablets ephedrine penicillin shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of units in each tablet of the batch;

(iii) The statement "Expiration date _____", the blank being filled in with the date which is 12 months after the month during which the batch was certified;

(iv) A statement giving the method of dissolving the tablets, and a statement that distilled water U. S. P. should be used;

(v) The potency per milliliter after the tablet has been dissolved therein;

(vi) The statement "Warning—Not for injection or oral use", and unless it is intended solely for veterinary use and is conspicuously so labeled, a statement "To be administered only by a _____", the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(vii) The conditions under which the solution should be stored including a reference to its instability when stored under other conditions, and a statement "Prepare a fresh solution each 24 hours".

(2) On the outside wrapper or container, unless it is intended solely for veterinary use and is conspicuously so labeled:

(i) The statement "Caution: To be dispensed only by or on the prescription of a _____", the blank being filled in with the word "physician" or

"dentist" or "veterinarian" or with any combination of two or all of these words, as the case may be; and

(ii) A reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of the tablets; or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure and printed matter will be sent on request.

(3) If intended solely for veterinary use, directions and precautions adequate for the use of such tablets, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

If two or more such immediate containers are in such package, the number of circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.*

(1) In addition to complying to the requirements of § 146.2, a person who requests certification of a batch of ephedrine penicillin tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the ephedrine penicillin used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising the batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this action.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch, average potency per tablet, average moisture, microorganism count; and

(ii) The ephedrine penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is ephedrine penicillin G), crystallinity, and the penicillin G content if it is ephedrine penicillin G.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one tablet for each 5,000 tablets in the batch, but in no case less than 20 tablets or more than 100 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal;

(ii) The ephedrine penicillin used in making the batch; six packages, each containing approximately equal portions of not less than 300 milligrams, packaged in accordance with the requirements of § 146.48 (b); and

(iii) In case of an initial request for certification, each buffer substance, diluent, binder, and lubricant used in making the batch; one package of each, each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for services rendered with respect to each bath of ephedrine penicillin tablets under the regulations in this part shall be:

(1) \$1.00 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section, \$4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

11. In § 146.101 *Streptomycin sulfate, streptomycin hydrochloride, streptomycin phosphate, streptomycin trihydrochloride calcium chloride*, subparagraph (1) of paragraph (e) *Fees* is amended by deleting "\$15.00" and substituting therefor "\$10.00."

That part of this order which provides for the marketing of two new penicillin products, ephedrine penicillin and ephedrine penicillin tablets, shall become effective upon publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this part of this order and would be contrary to the public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay the marketing of two new penicillin products, ephedrine penicillin and ephedrine penicillin tablets.

That part of this order which provides for reducing the cost (fees) for certification of streptomycin- and the following penicillin-containing drugs: Penicillin in oil and wax, penicillin ointment, penicillin vaginal suppositories, crystalline penicillin and epinephrine in oil, procaine penicillin in oil, and crystalline penicillin for inhalation therapy; for modification of the specification for crystalline penicillin tablets and a de-

crease in the number of tablets required for tests and assays and certification, shall become effective 30 days after the date of its publication in the **FEDERAL REGISTER**.

Notice and public procedure are not necessary prerequisites to the promulgation of this part of this order and would be contrary to the public interest, and I so find.

(52 Stat. 1040, as amended; 21 U. S. C. and Sup. 357)

Dated: September 17, 1948.

[SEAL]

OSCAR R. EWING,
Administrator.

[F. R. Doc. 48-8556; Filed, Sept. 23, 1948;
8:46 a. m.]

[Docket No. FDC-29 (c)]

**PART 19—DEFINITIONS AND STANDARDS OF
IDENTITY FOR CHEESE AND CHEESE PRO-
DUCTS**

**FINAL ORDER WITH RESPECT TO CREAM
CHEESE, NEUFCHÂTEL CHEESE, AND COT-
TAGE CHEESE; TENTATIVE ORDER WITH RE-
SPECT TO CREAMED COTTAGE CHEESE**

Correction

In Part 19 of Title 21, appearing as Federal Register Document 48-8353 in the issue for Friday, September 17, 1948, at page 5422, the original document has been corrected as follows:

On page 5423, column 1, under § 19.515, paragraph (b) (2), line 10, the paragraph should end with the words "cream cheese"—the words "when the milk or skim milk was concentrated or dried" should be stricken.

On page 5423, column 1, under § 19.515, paragraph (b) (3), the period at the end of the paragraph should be deleted and the words "when the milk or skim milk was concentrated or dried" should be added.

As corrected, subparagraphs (2) and (3) of § 19.515 (b) read as follows:

§ 19.515 *Cream cheese; identity; label statement of optional ingredients.*

(b) * * *

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk solids. If concentrated milk, concentrated skim milk, or nonfat dry milk solids is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

TITLE 24—HOUSING CREDIT

**Chapter VIII—Office of the Housing
Expediter**

[Controlled Housing Reg.¹, Amdt. 39]

**PART 825—RENT REGULATIONS UNDER THE
HOUSING AND RENT ACT OF 1947, AS
AMENDED**

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule B is amended by incorporating item 31 as follows:

31. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg, Defense-Rental Area.

Increase in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under sections 4 (a) and 4 (b) of the Rent Regulation for Housing issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; *Provided, however,* That no increase is hereby authorized of maximum rents which have been adjusted under section 5 (a) (16) of this regulation or which have been adjusted on or after August 22, 1947 under section 5 (a) (12) of this regulation. All provisions of this regulation insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 24, 1948.

Issued this 24th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

**Statement To Accompany Amendment
39 to the Controlled Housing Rent
Regulation and Amendment 39 to Con-
trolled Rooms in Rooming Houses and
Other Establishments**

The Local Advisory Board for the Petersburg Defense-Rental Area, State of Virginia, has, in accordance with section 204 (e) (1) (B) of the Housing and Rent Act of 1947, as amended, recommended an increase in the general rent level in the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area, on freeze date rents and on those rents adjusted by orders on the

¹ 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3339, 3628, 3673, 4894, 5001, 5117, 5157, 5460.

basis of the rents generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

The Housing Expediter has found that this recommendation is appropriately substantiated and is in accordance with applicable law and regulations to the extent of 15 percent, and is, therefore, issuing this amendment to effectuate such portion of the recommendation.

[F. R. Doc. 48-8571; Filed, Sept. 23, 1948;
8:52 a. m.]

[Controlled Rooms in Rooming Houses and
Other Establishments,¹ Amdt. 39]

**PART 825—RENT REGULATIONS UNDER THE
HOUSING AND RENT ACT OF 1947, AS
AMENDED**

**RENT REGULATIONS FOR CONTROLLED ROOMS
IN ROOMING HOUSES AND OTHER ESTAB-
LISHMENTS**

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Schedule B is amended by incorporating item 32 as follows:

32. Provisions relating to the City of Petersburg, Virginia, a portion of the Petersburg Defense-Rental Area.

Increases in maximum rents based upon the recommendation of the Local Advisory Board. Pursuant to the provisions of and subject to the limitations contained in the Housing and Rent Act of 1947, as amended, the maximum rents are hereby increased, effective September 24, 1948, in the amount of 15 percent for all housing accommodations in the City of Petersburg, Virginia, a part of the Petersburg Defense-Rental Area, for which the maximum rents are determined under section 4 (a) of the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts, issued pursuant to the Emergency Price Control Act of 1942, as amended, or which have been fixed by an order entered under section 5 of said regulation or section 5 of this regulation in cases in which section 5 of the applicable regulation provides that the maximum rent should be determined on the basis of the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date; *Provided, however,* That no increase is hereby authorized of maximum rents which have been adjusted on or after August 22, 1947 under section 5 (a) (9) of this regulation. All provisions of this regulation insofar as they are applicable to the Petersburg Defense-Rental Area are hereby amended to the extent necessary to carry this provision into effect.

This amendment shall become effective September 24, 1948.

Issued this 24th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

[F. R. Doc. 48-8570; Filed, Sept. 23, 1948;
8:52 a. m.]

¹ 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001, 5118, 5156, 5460.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5655]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES

FIBERBOARD CASES

SEPTEMBER 17, 1948.

1. On June 10, 1948, notice of proposed rule-making, regarding construction of fiberboard cases for use in packing distilled spirits bottled especially for export, was published in the FEDERAL REGISTER (13 F. R. 3120).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendment of § 176.27 of Regulations 28 (26 CFR, Part 176), approved August 29, 1940, is hereby adopted.

3. The purpose of this amendment is to enumerate the federal specifications which shall be applicable to the construction of fiberboard cases suitable for packing distilled spirits bottled especially for export; to eliminate provisions which may be inconsistent therewith; and to restate requirements for liners and partitions, and the sealing of cases for shipment. Copies of Federal Specifications LLL-B-631 and LLL-B-636 may be procured from the Superintendent of Documents, Washington 25, D. C., for the sum of five cents each.

§ 176.27 *Fiberboard cases*—(a) *Requirements.* Spirits bottled especially for export may be placed in cases (boxes) constructed of solid fiberboard, single and double wall corrugated fiberboard, one-piece style, meeting the applicable requirements of rule 41, Consolidated Freight Classification; rule 18, Official Express Classification; Federal Specifications LLL-B-631 for corrugated sheets except that B-flute corrugated sheets specified therein may not be used; and Federal Specifications LLL-B-636 for solid fiber boxes: *Provided*, That the cases need not be subjected to the drop test requirements of such federal specifications. In addition, the requirements of paragraphs (b) and (c) of this section shall apply.

(b) *Liners and partitions.* The top, bottom, and sides of the cases shall be lined with double-faced corrugated board conforming to the requirements of paragraph (a) of this section. Except as otherwise provided herein, the cases shall also contain partitions separating each bottle. Such partitions shall be tightly fitting, touching the top, bottom, and all sides of the case, and made of the same board as the liners for the top, bottom, and sides. The interior packing of pads, liners, or partitions is not required where the bottles are placed in individual double-faced corrugated cartons meeting the requirements of paragraph (a) of this section. Exclusive of liners, interior packing other than the type specified herein may be used where equal protection to the spirits will be afforded.

(c) *Securing cases for shipment.* The top and bottom of the case shall be

secured by gluing the entire inner surface of the inner flaps to the top and bottom liners, and the entire inner surface of the outer flaps to the inner flaps with silicate of soda, or an equally efficient adhesive: *Provided*, That containers sealed with automatic sealing machines are not required to have the inner flaps glued to the top and bottom pads or liners. In lieu of gluing, the top and bottom of the case may be secured with metal fastenings or staples, or stitching wire made of steel, treated to resist rust, and not less than 1/2 of an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside. (Sec. 3179 (b), I. R. C., and sec. 309 (a), (b), (c), (d) of the Tariff Act of 1930, as amended, (19 U. S. C. Supp. V, 1309 (a), (b), (c), (d)))

4. This Treasury decision shall be effective on the 31st day after the date of publication in the FEDERAL REGISTER.

(53 Stat. 375, sec. 309, 46 Stat. 690, as amended, 26 U. S. C. 3179 (b), 19 U. S. C. 1309)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

Approved: September 17, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8569; Filed, Sept. 23, 1948;
8:52 a. m.]

[T. D. 5656]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

FIBERBOARD CASES

SEPTEMBER 17, 1948.

1. On June 10, 1948, notice of proposed rule-making, regarding construction of fiberboard cases for use in packing bottled-in-bond distilled spirits, was published in the FEDERAL REGISTER (13 F. R. 3121).

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendment of § 188.89 of Regulation 6 (26 CFR, Part 188), approved September 19, 1940, is hereby adopted.

3. The purpose of this amendment is to enumerate the federal specifications which shall be applicable to the construction of fiberboard cases suitable for packing distilled spirits bottled in bond; to eliminate requirements which may be inconsistent therewith; and to restate requirements for liners and partitions, and the sealing of cases for shipment. Copies of Federal Specifications LLL-B-631 and LLL-B-636 may be procured from the Superintendent of Documents, Washington 25, D. C., for the sum of five cents each.

§ 188.89 *Fiberboard cases*—(a) *Requirements.* Spirits bottled in bond may be placed in cases (boxes) constructed of solid fiberboard, single and double wall corrugated fiberboard, one-piece style,

meeting the applicable requirements of rule 41, Consolidated Freight Classification; rule 18, Official Express Classification; Federal Specifications LLL-B-631 for corrugated boxes, except that B-flute corrugated sheets specified therein may not be used; and Federal Specifications LLL-B-636 for solid fiber boxes: *Provided*, That the cases need not be subjected to the drop test requirements of such Federal specifications. In addition, the requirements of paragraphs (b) and (c) of this section shall apply.

(b) *Liners and partitions.* The top, bottom, and sides of the cases shall be lined with double-faced corrugated board conforming to the requirements of paragraph (a) of this section. Except as otherwise provided in this section, the cases shall also contain partitions separating each bottle. Such partitions shall be tightly fitting, touching the top, bottom, and all sides of the case, and made of the same board as the liners for the top, bottom, and sides. The interior packing of pads, liners, or partitions is not required where the bottles are placed in individual double-faced corrugated cartons meeting the requirements of paragraph (a) of this section. Exclusive of liners, interior packing other than the type specified herein may be used where equal protection to the spirits will be afforded.

(c) *Securing cases for shipment.* The top and bottom of the case shall be secured by gluing the entire inner surface of the inner flaps to the top and bottom liners, and the entire inner surface of the outer flaps to the inner flaps with silicate of soda, or an equally efficient adhesive: *Provided*, That containers sealed with automatic sealing machines are not required to have the inner flaps glued to the top and bottom pads or liners. In lieu of gluing, the top and bottom of the case may be secured with metal fastenings or staples, or stitching wire made of steel, treated to resist rust, and not less than 1/2 of an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside. (Secs. 2905, 3176, I. R. C. (26 U. S. C. 2905, 3176))

4. This Treasury decision shall be effective on the 31st day after the date of publication in the FEDERAL REGISTER.

(53 Stat. 344, 375; 26 U. S. C. 2905, 3176)

GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: September 17, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8568; Filed, Sept. 23, 1948;
8:52 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

MISCELLANEOUS AMENDMENTS

The Secretary of the Army having determined that the use of the Clearwater

Reservoir, Black River, Missouri, and the Bluestone Reservoir, New River, West Virginia and Virginia, by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 641), for the public use of the Clearwater Reservoir Area, Missouri, and the Bluestone Reservoir Area, West Virginia and Virginia, by amending Title 36, Chapter III, Part 311 of the Code of Federal Regulations as follows:

1. Add paragraphs (l) and (m) to § 311.1 as follows:

§ 311.1 *Areas covered.* * * *

(l) Clearwater Reservoir Area, Black River, Missouri.

(m) Bluestone Reservoir Area, New River, West Virginia and Virginia.

2. Amend paragraph (b) of § 311.6 to read as follows:

§ 311.6 *Hunting and fishing.* * * *

(b) Hunting shall be with shotgun only in any reservoir area listed in § 311.1 except for the following reservoir areas on which hunting of deer with rifles is also permitted.

(1) Wappapello Reservoir Area, St. Francis River, Missouri.

(2) Clearwater Reservoir Area, Black River, Missouri.

[Regs. 3 and 8 Sept. 1948, ENGWF] (58 Stat. 889, 60 Stat. 641; 16 U. S. C. 460d)

[SEAL]

EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8544; Filed, Sept. 23, 1948; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

Subchapter B—Regulations

PART 14—DELIVERY SERVICE

NEWSPAPER RECEPTACLES ON RURAL MAIL BOX POSTS OR SUPPORTS

In § 14.51 *Erection of boxes*, (39 CFR 14.51), make the following change: Amend paragraph (c) to read as follows:

(c) A receptacle may be placed, by the patron, below the rural mail box and on the post or support of the rural mail box, for the receipt of newspapers. The receptacle should be placed in such a manner that it will not interfere with the delivery of mail or create a hazard for the rural carrier. The receptacle must not be restricted to any particular newspaper and should not contain any advertising matter.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL]

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-8552; Filed, Sept. 23, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 135, Amdt. 7]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of the provisions of Service Order No. 135 (8 F. R. 9569), as amended (8 F. R. 10941; 11 F. R. 8451, 11077; 12 F. R. 840, 4001, 8680), and good cause appearing therefor: *It is ordered, That:*

Service Order No. 135, as amended, be, and it is hereby, further amended by substituting the following paragraph (e) for paragraph (e) of § 95.502 *Demurrage charges at Mexican border points*.

(e) This section, as amended, shall expire at 7:00 a. m., April 1, 1949, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 12:01 a. m., September 30, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8562; Filed, Sept. 23, 1948; 8:49 a. m.]

[Rev. S. O. 776, Amdt. 4]

PART 95—CAR SERVICE

CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 776 (13 F. R. 2380), as amended (13 F. R. 2570, 2679, 3763), and good cause appearing therefor: *It is ordered, That:*

Section 95.776 *Car demurrage on State Belt Railroad of California* of Revised Service Order 776, as amended be further amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This section shall expire at 7:00 a. m., December 31, 1948, unless otherwise modified, changed,

suspended, or annulled by order of this Commission.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 30, 1948, and a copy be served upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8563; Filed, Sept. 23, 1948; 8:49 a. m.]

[S. O. 775, Amdt. 5]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 17th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379) as amended (13 F. R. 2679, 3763, 5238), and good cause appearing therefor: *It is ordered, That:*

Section 95.775 *Demurrage on railroad freight cars* of Revised Service Order 775, as amended be further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 7:00 a. m. December 31, 1948, unless otherwise modified, changed, suspended or annulled by order of the Commission.

It is further ordered, That this amendment shall become effective at 7:00 a. m., September 30, 1948, and a copy be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8564; Filed, Sept. 23, 1948; 8:49 a. m.]

[No. 10123]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its

office in Washington, D. C., on the 17th day of September A. D. 1948.

It appearing, that by report and order dated October 24, 1918, (51 I. C. C. 273; 49 CFR 139), the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "An Act to Save Daylight and to Provide Standard Time," approved March 19, 1918 (40 Stat. 450; 15 U. S. C. 261-265), and that said limits were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928, (142 I. C. C. 279; 49 CFR Part 139), and were modified by the twenty-first supplemental report and order in this proceeding, dated August 14, 1936, (218 I. C. C. 221; 49 CFR Part 139);

It further appearing, that upon request of the representatives of certain organizations of employees of the Wabash Railroad Company for a modification of the orders entered herein, the proceeding was reopened for reconsideration;

And it further appearing, that a full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed its twenty-ninth supplemental report in the above-entitled proceeding, containing its findings of fact and conclusions thereon, which said twenty-ninth supplemental report is hereby referred to and made a part hereof:

It is ordered, That the said order of October 24, 1918, as subsequently amended, as restated in the said order of May 19, 1928, and further amended by the said order of August 14, 1936, and corresponding sections of the Code of Federal Regulations (49 CFR Part 139), are hereby amended as follows:

Section 139.3 *Boundary line between eastern and central zones—(g) Operating exceptions—(1) Lines east of boundary excepted from eastern zone*, is amended by changing the following operating exception:

Name of railroad	From—	To—
Wabash.....	Ohio-Indiana State line (west of Blakesley, Ohio).	Detroit, Mich.
so as to read: Wabash.....	Ohio-Indiana State line (west of Blakesley, Ohio).	Oakwood Junction, Mich.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian September 26, 1948;

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection, and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8565; Filed, Sept. 23, 1948; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

NOTICE OF PROPOSED PACK SPECIFICATIONS AND MINIMUM STANDARDS; AND INFORMATION TO BE CONTAINED IN CERTIFICATES

Notice is hereby given, pursuant to the provisions of section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) approved June 11, 1946, that the administrative rules herein set forth are proposed by the Walnut Control Board (the administrative agency for operations under this regulatory program) in accordance with the authority vested in it by § 984.3 of the marketing agreement and order (13 F. R. 4344) regulating the handling of walnuts grown in California, Oregon, and Washington, which marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

Prior to the final issuance of such administrative rules, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing and in duplicate, to the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California, and which are received by it not later than 1:00 p. m., P. S. T., on the 10th day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if such 10th day should fall on a holiday or a Sunday, such submission may be received not later than 1:00

p. m., P. S. T., on the next following working day.

Such proposed administrative rules are as follows:

§ 984.101 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of quality and maturity—(a) Size grade specifications.* (1) Mammoth Size: Walnuts of which not over 12 percent by count pass through a round opening $\frac{9}{16}$ inches in diameter;

(2) Jumbo Size: Walnuts of which not over 12 percent by count pass through a round opening $\frac{8}{16}$ inches in diameter;

(3) Large Size: Walnuts of which not over 12 percent by count pass through a round opening $\frac{7}{16}$ inches in diameter;

(4) Medium Size: Walnuts of which at least 88 percent by count pass through a round opening $\frac{7}{16}$ inches in diameter and of which not over 12 percent by count pass through a round opening $\frac{7}{16}$ inches in diameter;

(5) Number 1 Size: Walnuts of which not over 12 percent by count pass through a round opening $\frac{7}{16}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of "Baby Size";

(6) Baby Size: Walnuts of which at least 88 percent by count pass through a round opening $\frac{7}{16}$ inches in diameter and of which not over 10 percent by count pass through a round opening $\frac{6}{16}$ inch in diameter.

(b) *External appearance and condition—(1) Specifications and tolerances.* Merchantable walnuts must be free of excessively dirty nuts, nuts affected by adhering hulls, dark spots, and nuts having perforated or broken or split shells,

except that the following tolerances (by count) shall be permitted within the packs specified:

(i) First Quality Grade: 10 percent for splits and an additional 5 percent for defects other than splits;

(ii) Second and Third Quality Grades: 10 percent for splits and an additional 10 percent for defects other than splits;

(iii) External defects: In determining the percentage of externally defective walnuts in a lot, all walnuts affected as follows shall be considered as not free from defects:

(a) Excessively dirty nuts: Walnuts with shells coated or caked with adhering dirt or other foreign matter so as to seriously damage the appearance. Walnuts with slightly chalky deposits on the shells shall not be considered excessively dirty;

(b) Adhering hull: Walnuts the shells of which have adhering to them any portion of the hull;

(c) Dark spots: Discoloration or stains contrasting with the color of the remainder of the shell which results in unclean or unsightly appearance or render a given pack of walnuts unattractive;

(d) Perforated shells: Walnuts with improperly developed areas on the shell resembling abrasions and usually including small holes penetrating the shell wall, if an area of surface aggregating more than three-eighths of an inch in diameter is affected;

(e) Broken shells: Walnuts with any material portion of the shell missing or with the halves completely broken apart or separated;

(f) Split shells or splits: Walnuts with the shell halves completely separated but held together by the kernel.

(c) *Internal or kernel quality—(1) Quality grade specifications and toler-*

ances. The quality grade of any lot of walnuts, within the limits of tolerances specified for external appearance and condition, shall be the highest quality grade to which such lot is eligible under the following specifications: Within a 5 percent tolerance, no quality grade shall be given any lot of walnuts unless the kernels are well dried (firm and crisp). A kernel, as referred to herein, means all of the non-fibrous content of one individual walnut, i. e., two halves, four quarters, etc.

The color chart referred to in these specifications as the WCB color chart is the chart adopted June 15, 1944 by the then Program Committee, War Food Order 82, and is available for inspection at the office of the Walnut Control Board, 213 Wholesale Terminal Building, Los Angeles 21, California.

(i) **First Quality Grade Walnuts.** First Quality Grade Walnuts shall contain not less than 90 percent (by count) of nuts the kernels of which are free from defects, except that not less than 95 percent (by count) shall be free from insect damage. At least 50 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light". In determining the percentage of sound kernels in a lot of walnuts for qualification as of "First Quality Grade," all walnuts the kernels of which show the following defects shall not be considered as sound:

(a) **Insect damage:** Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) **Moldy kernels:** Kernels showing on their surface mold readily discernible to the eye, except that kernels bearing a few loose filaments of white or light gray mold which are easily blown off shall not be considered moldy;

(c) **Shriveled kernels:** Kernels which are noticeably shrunken, leathery or tough as distinguished from kernels which are fully developed. A kernel with one-eighth or more of its surface affected by shriveling shall be considered as noticeably shrunken and scored as unsound. Kernels which are thin in cross section but which otherwise are normally developed shall not be considered shriveled: *Provided*, That with respect to walnuts produced in the States of Oregon and Washington, kernels shriveled one-eighth or more but less than one-half shall be scored one-half sound. However, in any 100 nuts not more than 10 such nuts may be combined to make 5 percent sound; each additional such nut shall count as 1 percent defective;

(d) **Blanks:** Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(e) **Rancid kernels:** Kernels which have a decomposed appearance or a rancid taste;

(f) **Black kernels:** Kernels as dark or darker in color than those illustrated in row "E" of the WCB color chart.

(ii) **Second Quality Grade Walnuts.** Second Quality Grade Walnuts shall contain not less than 86 percent (by count) of kernels practically free from defects, except that 90 percent of the kernels shall meet the minimum specifications established herein for "Third Quality Grade." At least 30 percent of the kernels in any lot shall be light in color in accordance with the WCB color chart; only sound kernels shall be scored "light".

In determining the percentage of sound kernels in a lot of walnuts for qualification as of "Second Quality Grade," all walnuts showing the defects described under "First Quality Grade," shall not be considered as sound, except that:

(a) **Partially moldy kernels:** Kernels affected by a slight covering of white or gray mold which does not affect more than one-fourth of the surface of the kernel shall be classed as sound;

(b) **Shriveled kernels:** The provisions under "First Quality Grade" for scoring shriveled kernels in walnuts produced in the States of Oregon and Washington shall apply to California walnuts in scoring for shriveling under "Second Quality Grade";

(iii) **Third Quality Grade Walnuts.** Third Quality Grade Walnuts shall contain not less than 90 percent (by count) of passable kernels. In determining the percentage of passable kernels in a lot of walnuts, all walnuts, the kernels of which show the following defects, shall not be considered passable;

(a) **Insect damage:** Kernels affected in any way by codling moth larvae, ants, moths, beetles, or any other insects;

(b) **Moldy kernels:** Kernels on which there is fruiting mold of any description, or mold mycelia affecting more than one-fourth of the surface of the kernel;

(c) **Shriveled kernels:** Kernels which are edible but so shriveled as to be one-half or less than half the normal size. Each shriveled kernel shall be classed as half sound, that is, two such kernels shall be counted as one sound and one defective kernel;

(d) **Blanks:** Walnuts with kernels so shrunken or improperly matured as to be inedible or worthless;

(e) **Rancid:** Kernels which have a decomposed appearance or a rancid taste.

(d) **Minimum standards.** The specifications for (1) Baby Size, (2) Third Quality Grade with respect to internal

or kernel quality, and (3) External Appearance and Condition, applicable to Second and Third Quality Grades, as herein prescribed including respective tolerances, shall be the minimum standards of quality and maturity prescribed pursuant to § 984.3 of the marketing agreement and order (13 F. R. 4344).

§ 984.102 *Certification of merchantable walnuts*—(a) *Information to be contained in certificates for shipment:* Every certificate issued for each lot of merchantable walnuts handled or to be handled for shipment, shall contain, in addition to the information required by § 984.3 (b) of Order No. 84, regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Crop year of production of each lot; if shipment is made by rail the car number; if shipment is made by truck the name of the transportation company; and on all copies except those submitted to the Walnut Control Board, the shipping mark or consignee's name.

(b) *Information to be contained in certificates for surplus.* Every certificate issued for each lot of surplus walnuts shall contain in addition to the information required by § 984.3 (b) of Order No. 84 regulating the handling of walnuts grown in California, Oregon and Washington, the following information: Handler's lot number; brand, if any; crop year of production; and the location where the surplus walnuts are withheld and stored.

Issued at Washington, D. C., this 20th day of September 1948.

[SEAL] CLAUDE R. WICKARD,
Acting Secretary of Agriculture.

[F. R. Doc. 48-8601; Filed, Sept. 23, 1948; 8:50 a. m.]

17 CFR, Part 9661

[Docket No. AO 164-A 1]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Correction

In Federal Register Document 48-8200, appearing at page 5338 of the issue for Tuesday, September 14, 1948, the word "committees" in the first line of paragraph (6) on page 5344, first column, should read "committee".

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 3088]

EASTERN AIR LINES, INC.; REMOVAL OF WINSTON-SALEM-GREENSBORO RESTRICTION

NOTICE OF HEARING

In the matter of the application of Eastern Air Lines, Inc., for amendment

of its certificates for routes Nos. 5 and 6 so as to remove restrictions preventing service to Greensboro/High Point and Winston-Salem on the same flight.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on October 11, 1948, at 10:00 a. m. (eastern standard time) in Room

2015, Temporary Building No. 5, 16th Street and Constitution Avenue, NW, Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the proposed amendments of certificates are required, in whole or in part, by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before October 11, 1948, a statement setting forth the issues of fact and law raised in this proceeding which he desires to controvert.

Dated at Washington, D. C., September 20, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8558; Filed, Sept. 23, 1948;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2005]

OAKDALE IRRIGATION DISTRICT AND SOUTH
SAN JOAQUIN IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE
(MAJOR)

SEPTEMBER 17, 1948.

Public notice is hereby given that Oakdale Irrigation District and South San Joaquin Irrigation District with principal offices in Oakdale and Manteca, California, respectively, have made application pursuant to the provisions of the Federal Power Act for license for major Project No. 2005 (Beardsley Project) to be located on the Middle Fork of Stanislaus River and lands of the United States within the Stanislaus National Forest in Tuolumne County, California, and to consist of a dam located in sec. 14, T. 4 N., R. 17 E., Mount Diablo meridian, with maximum height of 275 feet and crest length of 1,150 feet including rockfill and spillway sections; a reservoir with surface area of 720 acres and gross capacity of 97,500 acre-feet at maximum storage level (elevation 3,397 feet above sea level); a conduit consisting principally of tunnel and penstock; a structural steel and reinforced concrete powerhouse immediately downstream from the dam containing a 13,500-horsepower turbine and an 8,800-kv. generator; a switchyard; and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before October 29, 1948, to the Federal Power Commission at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8573; Filed, Sept. 23, 1948;
8:53 a. m.]

[Docket No. G-1122]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

SEPTEMBER 20, 1948.

Notice is hereby given that on September 9, 1948, an application was filed with the Federal Power Commission by Atlantic Seaboard Corporation (Applicant), a Delaware corporation having its principal place of business at Charleston, West Virginia, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of a 1600 H. P. compressor station, consisting of two 800 H. P. gas engine compressing units, complete with appurtenant auxiliary equipment, structures, land and improvements, to be known as the Huff Creek Compressor Station and located near Hanover, West Virginia, at a point approximately 46 miles east of Boldman, Kentucky, on Applicant's present 20-inch pipeline.

Applicant states that the installation of the proposed facilities will permit the delivery of approximately 8,000 Mcf per day additional natural gas at Rockville, Maryland, through Applicant's present 20-inch pipeline north from Boldman, Kentucky. Applicant's deliveries at Rockville, Maryland, are to Washington Gas Light Company, among others, for distributing in the City of Washington, D. C., whose estimated peak day demand for the winter 1948-49 is in excess of Applicant's installed capacity.

The estimated total over-all capital cost of construction of the proposed facilities is \$480,000, to be financed from cash on hand, and a loan of \$120,000 from Applicant's parent company, the Columbia Gas System, Inc.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reason for such request.

The application of Atlantic Seaboard Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8572; Filed, Sept. 23, 1948;
8:53 a. m.]

[Docket No. G-1104]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 20, 1948.

Notice is hereby given that on August 19, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal office at Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described facilities, which are more particularly described in the application on file with the Commission and open to public inspection:

Approximately 4½ miles of 6½-inch O. D. natural-gas transmission pipeline starting at a point of connection with the local distribution system of Western Kentucky Gas Company, and extending in a general south-westerly direction to a connection with Applicant's main 10-inch natural-gas transmission pipeline which connection is approximately 7 miles northwest of Applicant's connection with the Tennessee Gas Transmission natural-gas pipeline system at Portland, Tennessee.

The application states that the proposed described connection is needed in order to supply the increasing domestic and commercial demands of the area of Franklin, Kentucky, which is served by the Western Kentucky Gas Company distribution system. The Applicant states that it is the only source of natural gas supply for that distribution system and that Applicant's predecessor company rendered this service for many years. Applicant further states that it has been advised that Western Kentucky Gas Company now serves 956 customers in Franklin, classified as 817 domestic and 139 commercial and that no industrial customers are served and none is expected to be served. Of the said domestic customers, 400 use gas for house-heating.

The application states that the peak day sales in 1947 by Applicant to Western Kentucky Gas Company for Franklin totaled 1,047 Mcf and that it is estimated that 1948 peak day sales will total 1,370 Mcf, increasing thereafter to an estimated peak day sale of 2,000 Mcf in 1952. Applicant estimates that actual peak day sales for Franklin on the 1947 peak day were 203 Mcf less than the actual requirements. Applicant states that the expected increase in the supply of natural gas delivered by Tennessee Gas Transmission Corporation to Applicant will provide sufficient quantities of gas for service in the Franklin area, and that the proposed described construction is needed in order to provide sufficient operating gas pressures for the distribution system in Franklin. Applicant states that during 8 days of the 1947 winter season pressures were reduced from 45 pounds to 6 pounds at the Franklin town border and as a consequence 25% of the consumers therein were wholly without gas.

The estimated total over-all capital cost of the construction of the proposed facilities is \$63,087, which will be financed by Applicant from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such a request.

The application of Texas Gas Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8574; Filed, Sept. 23, 1948;
8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[S. O. 825]

UNLOADING OF LUMBER AT DODSON, MO., ON K. C. P. S. Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of September A. D. 1948.

It appearing, that one car of lumber at Dodson, Mo., on Kansas City Public Service Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: It is ordered, that:

(a) *Lumber at Dodson, Mo., be unloaded.* The Kansas City Public Service Company, its agents or employees, shall unload immediately ATSF 149167 containing lumber, now on hand rejected at Dodson, Mo., consigned to R. L. Sweet Lumber Co.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect, or receive any demurrage or storage charges for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., September 22, 1948, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify the Director, Bureau of Service, Interstate Commerce Commis-

sion, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476, sec. 4; 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8561; Filed, Sept. 23, 1948;
8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11644]

ANNA M. EICHINGER

In re: Estate of Anna M. Eichinger, also known as Anna Eichinger, also known as Anna M. G. Eichinger, and Anna Mary Eichinger, deceased. File No. D-28-3480; E. T. Sec. 5490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Eichinger, Paul Lindemann, Wilhelm Lindemann, Anna Lindemann, Joseph Lindemann, Margaretha Stang, Petronela Schmitt, Theresia Geisler Hofman, Anna Schindle, Hans Eichenger, also known as Joseph Eichenger, and Catherine Eichenger Kuhne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Anna M. Eichinger, also known as Anna Eichinger, also known as Anna M. G. Eichinger, and Anna Mary Eichinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by the Treasurer of the City of New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8575; Filed, Sept. 23, 1948;
8:53 a. m.]

[Vesting Order 11688]

JOHN FRED SOELCH

In re: Trust u/will of John Fred Soelch, deceased. File No. D-28-6490; E. T. sec. 4127.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Kiesling, Christina Kiesling Furbringer, Hans Kiesling, Babetta Kohler, Yetta Kohler, Agnes Kohler, Martha Wahn Lochner, Fritz Menzel, Fritz Hautman and Margeretta Thuring, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue of Margeretta Thuring, names unknown, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust under will of John Fred Soelch, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the American Exchange Bank and Martha Soelch, Co-Trustees, acting under the judicial supervision of the County Court of Dane County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the issue of Margeretta Thuring, names un-

known, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 22, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8576; Filed, Sept. 23, 1948;
8:53 a. m.]

[Vesting Order 11835]

AUGUST F. JANA

In re: Estate of August F. Jana, deceased. File D-28-9102; E. T. sec. 11714.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the heirs, names unknown, of August F. Jana, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the Estate of August F. Jana, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter A. Glick, as administrator, acting under the judicial supervision of the Probate Court of the State of Ohio in and for the County of Lorain;

and it is hereby determined:

4. That to the extent that the heirs, names unknown, of August F. Jana, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8577; Filed, Sept. 23, 1948;
8:53 a. m.]

[Vesting Order 12526]

F. K. ANTELMANN AND KARLA ANTELMANN

In re: Stock owned by F. K. Antelmann and Karla Antelmann and debt owing to F. K. Antelmann. F-28-23658-A-1/2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That F. K. Antelmann and Karla Antelmann, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) One-hundred thirty-six (136) shares of no par value common capital stock of International Harvester Company, 180 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 13559 for thirty-six (36) shares and 13412, 20064, 21526 and 24250 for twenty-five (25) shares each, registered in the names of F. K. Antelmann and Karla Antelmann, together with all declared and unpaid dividends thereon, and any and all rights of exchange under a plan effective May 14, 1948, of the aforesaid company,

(b) Seventeen (17) shares of \$100.00 par value 7% cumulative preferred capital stock of International Harvester Company, 180 North Michigan Avenue, Chicago, Illinois, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbered 36018 for thirteen (13) shares, 36102 for three (3) shares and 33601 for (1) share, registered in the names of F. K. Antelmann and Karla Antelmann, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

(a) That certain debt or other obligation of Continental Illinois National Bank and Trust Company of Chicago, Chicago 90, Illinois, arising out of an account entitled F. K. Antelmann (Harvester Foreign Employees' Bank Account), maintained at the aforesaid

bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, F. K. Antelmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8578; Filed, Sept. 23, 1948;
8:53 a. m.]

[Vesting Order 12028]

HERMANN I. A. DORNER

In re: Bank account owned by Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner. D-28-7854-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, whose last known address is Hindenburgstrasse 25, Hannover, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Hermann I. A. Dorner, also known as Herman I. A. Dorner and as Herman Dorner, by The Detroit Bank, 46 State Street, Detroit, Michigan, arising out of a savings account, Account Number 273327, entitled Herman Dorner, maintained at the main office of the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on ac-

count of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8579; Filed, Sept. 23, 1948; 8:53 a. m.]

[Vesting Order 12029]

MICHAEL ECKERT

In re: Bank account owned by, and debt owing to, Michael Eckert. F-28-14513-C-1; F-28-14513-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Michael Eckert, whose last known address is 201 Hauptstrasse, Schaidt, Palatinate, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Michael Eckert by Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, representing a portion of the sum of money on deposit with the Mississippi Valley Trust Company, Broadway and Olive Street, St. Louis, Missouri, in a blocked account entitled "Detjen & Detjen, Blocked Account, Attorneys 102 nationals of Germany, Treasury License SL-518, dated 8/5/41 and Attorneys for heirs of Henry Koelling, dec'd., SL-670, 8/18/41," maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the First National Bank in Wichita, Wichita, Kansas, arising out of an account entitled Michael Eckert Trust, maintained in the Trust Department of the aforesaid bank and any and

all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Michael Eckert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8580; Filed, Sept. 23, 1948; 8:54 a. m.]

SERVO-FREIN DEWANDRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Servo-Frein Dewandre, Societe Anonyme, Liege, Belgium; 6171; Property described in Vesting Orders No. 292 (7 F. R. 9836, November 26, 1942), relating to Patent Applications Ser. Nos. 247961 (now United States Letters Patent No. 2,316,320) and 167311 (now United States Letters Patent No. 2,342,727), in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943) relating to United States Letters Patent Nos. Re 16,724; 1,603,750; 1,606,361; 1,608,203; 1,675,023; 1,839,954; 1,846,317; 1,856,342; 1,857,053; 1,869,956; 1,875,226; 1,906,222; 1,912,261; 1,968,336; 2,042,392 and 2,237,930; and in Vesting Order No. 2500 (8 F. R. 16341, December 4, 1943), relating to United States Letters Patent Nos. 1,830,530; 1,878,822; 1,879,892 and 1,928,248; all interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter de-

scribed, together with the right to sue therefor) created in Servo-Frein Dewandre, Societe Anonyme, formerly also known as Societe Anonyme du Servo-Frein Dewandre, by virtue of an agreement dated August 23, 1929, (including all modifications thereof and supplements thereto, if any) by and between Societe Anonyme du Servo-Frein Dewandre and Bendix Brake Company, which agreement relates, among other things, to Patent No. 1,608,203.

Executed at Washington, D. C., on September 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8599; Filed, Sept. 23, 1948; 8:56 a. m.]

[Vesting Order 12031]

RUDOLF FRONING ET AL.

In re: Stock owned by Rudolph Froning, Charles Louis Klingelhoefer, G. Kasaku Kusumi, Joseph A. Lemboeck, Mrs. Alma B. Lemboeck, Eugene Lilienthal, Professor Rudolf Froning and Miss Katherine Stadtmiller. D-66-2359-D-1; F-28-25826-D-1; F-28-25827-D-2; F-28-25828-D-1; F-39-2749-D-1; F-28-25829-D-1; F-28-22368-D-2; F-28-23455-D-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law after investigation, it is hereby found:

1. That each person, whose name and address is set forth in Exhibit A, attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That G. Kasaku Kusumi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

3. That the property described as follows: One thousand ten (1010) shares of no par value common capital stock of The Commonwealth & Southern Corporation, Room 901, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by the certificates numbered as set forth in the aforesaid Exhibit A, registered in the names of the persons and in the amounts appearing opposite each certificate number, together with all declared and unpaid dividends thereon,

is property within the United States owner or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons whose names are set forth in Exhibit A, the aforesaid nationals of a designated enemy country (Germany);

4. That the property described as follows: One hundred (100) shares of no par value common capital stock of The Commonwealth & Southern Corporation, Room 901, 902 Market Street, Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number

C197812, registered in the name of G. Kasaku Kusumi, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, G. Kasaku Kusumi, the aforesaid national of a designated enemy country (Japan).

and it is hereby determined:

5. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the person named in subparagraph 2 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a

national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Registered owner	Address	Certificate Nos.	Number of shares
Rudolf Froning.....	Staedtische Sparkasse, Coesfeld in Westfalen, Germany.	C228073/4	100
Professor Rudolf Froning.....	Kirchstrasse 5, Bonn on Rhine, Germany...	C246951	100
Charles Louis Klingelhoefer.....	Wilhelminen St. 1, Wiesbaden, Germany...	C404274/5	100
Joseph A. Lemboeck and Mrs. Alma B. Lemboeck.	c/o American Express Co., Munich, Germany.	X103880/89	100
Eugene Lilienthal.....	Konigsstrasse 9, Pt. R., Konigsberg, Pr. Germany.	C266283	100
Miss Katherine Stadtmiller.....	Michelbach, Unterfranken, Bavaria, Germany.	256432	20
		C518574	100
		C523976	100
		364430	20
		431158	30
		X28551	10
		X36272	10
		X45606	10
		X50460	10

¹ Each.

[F. R. Doc. 48-8581; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12032]

KAKICHI FUJII

In re: Debt owing to Kakichi Fujii, also known as Fred K. Fujii. D-39-3076-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kakichi Fujii, also known as Fred K. Fujii, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of \$3,342.97, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8582; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12034]

ARNOLD HERTZ

In re: Debt owing to Arnold Hertz. F-28-25780-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Arnold Hertz, whose last known address is Harfestehuderweg 6, Hamburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Dominick & Dominick, 14 Wall Street, New York 5, New York, in the amount of \$270.00, as of December 31, 1945, representing the proceeds of coupons collected April 9, 1942, and maintained in an account for the Union de Banques Suisses, Zurich, Switzerland, Special G. R. No. 6 Account, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Arnold Hertz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8583; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12035]

CECILIA KEMMER

In re: Bank account owned by Cecilia Kemmer. F-28-13753-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and

Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Cecilia Kemmer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Cecilia Kemmer, by Staten Island Savings Bank, Stapleton, Staten Island, New York, arising out of a savings account, account number 133105, entitled Cecilia Kemmer, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8584; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12037]

IDA KOHLER

In re: Debt Owning to Ida Kohler. F-28-18134-A-1; F-28-18134-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ida Kohler, whose last known address is Heidingsfeld, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Ida Kohler by The Title Insurance and Mortgage Company, 433 Main Street, Stamford, Connecticut, in the amount of \$20,352.77 as of September

1, 1947, presently on deposit in The First National Bank and Trust Company of Stamford, Connecticut, in a Special Account, and representing payments of principal and interest on seven (7) Mortgage Participation Certificates of the aforesaid The Title Insurance and Mortgage Company, said certificates numbered 2C1827, 2C1828, 2C1829, 2C-1830, 2C1831, 2C1832 and 2C1833, and in the possession of The First National Bank and Trust Company of New Canaan, 82 Main Street, New Canaan, Connecticut, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid certificates,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8585; Filed, Sept. 23, 1948; 8:54 a. m.]

[Vesting Order 12038]

EMMA JOSEPHINE KUCKING

In re: Debt owing to Emma Josephine Kucking also known as Emma Josephine Kuecking. F-28-26257-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Josephine Kucking also known as Emma Josephine Kuecking, whose last known address is Nesselroeden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obliga-

tion owing to Emma Josephine Kucking also known as Emma Josephine Kuecking, by Walter C. Cox, 208 La Salle St., Suite 1802-06, Chicago 4, Illinois, in the amount of \$216.02, as of December 31, 1945, presently on deposit with the City National Bank and Trust Company of Chicago in an account entitled "W. C. Cox & Company, Special Account, 208 S. La Salle St., Suite 1802, Chicago, Ill. S. A.", together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8586; Filed, Sept. 23, 1948; 8:54 a. m.]

[Return Order 172]

WILLIAM W. FREUND AND ALOISIA FREUND

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith.

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

William W. Freund and Aloisia Freund, 8438 126th Street, Kew Gardens, Long Island, N. Y.; Claim No. 3887; July 23, 1948 (13 F. R. 4243); \$1,619.29 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8595; Filed, Sept. 23, 1948;
8:55 a. m.]

[Vesting Order 12042]

PELTZER GEBRUEDER A. G.

In re: Debt owing to Peltzer Gebrueder A. G. F-28-9005-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Peltzer Gebrueder A. G., the last known address of which is Krefeld, Germany, is a corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Peltzer Gebrueder A. G., by William Iselin & Co. Inc., 357 4th Ave., New York, N. Y., in the amount of \$440.20, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 14, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8588; Filed, Sept. 23, 1948;
8:55 a. m.]

[Return Order 171]

DANISH AUTOMATIC SUPPLY CO.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Axel Jorgensen and Axel Alsted Nielsen, d/b/a Danish Automatic Supply Co., Aalborg, Denmark; 5267; July 29, 1948 (13 F. R. 4373); Property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 309,917 (now United States Letters Patent No. 2,371,260). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8594; Filed, Sept. 23, 1948;
8:55 a. m.]

[Return Order 167]

DR. ING. BERTOLD BUXBAUM

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Dr. Ing. Bertold Buxbaum, Berlin, Germany; 8540; July 29, 1948 (13 F. R. 4371); Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,151,585. This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8593; Filed, Sept. 23, 1948;
8:55 a. m.]

[Return Order 174]

VICTOR J. SCHNEIDER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Victor J. Schneider, 18229 Northlawn Avenue, Detroit 21, Mich.; 4228; July 23, 1948 (13 F. R. 4243); \$20,781.76 in the Treasury of the United States; 620 shares of the capital stock of The Charles E. Bresler Estate Land Company, a Michigan corporation. All right, title, interest, and claim of any kind or character whatsoever of Annie B. Schneider in and to the estate of Victor Bresler, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8596; Filed, Sept. 23, 1948;
8:55 a. m.]

[Return Order 188]

FRANCOIS PAGIS AND PAUL BERCHE

Having considered the claim set forth below and having issued a determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Notice of Intention To Return Published, and Property

Francois Pagis, 69 Rue de Rennes, Paris, France, 6931; Paul Berche, 69 Rue de Rennes, Paris, France, 6932; August 7, 1948 (13 F. R. 4581); Property to the extent owned by claimants immediately prior to the vesting thereof, described in Vesting Order No. 500A-1 (9 F. R. 7871 July 14, 1944) relating to the literary work "Manuale Theologiae Dogmaticae" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of \$3,739.70.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 17, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8597; Filed, Sept. 23, 1948;
8:56 a. m.]